



A CONSTITUTION
OR
FORM OF GOVERNMENT
FOR THE
Commonwealth of Massachusetts.

PREAMBLE.

The end of the institution, maintenance and administration of government, is to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it with the power of enjoying, in safety and tranquillity, their natural rights, and the blessings of life : and whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity and happiness.

Objects of government.

The body politic is formed by a voluntary association of individuals : it is a social compact, by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good. It is the duty of the people, therefore, in framing a constitution of government, to provide for an equitable mode of making laws, as well as for an impartial interpretation and a faithful execution of them ; that every man may, at all times, find his security in them.

Body politic,
how formed.
Its nature.

We, therefore, the people of Massachusetts, acknowledging, with grateful hearts, the goodness of the great Legislator of the universe, in affording us, in the course of his providence, an opportunity, deliberately and peaceably, without fraud, violence or surprise, of entering into an original, explicit and solemn compact with each other ; and of forming a new

constitution of civil government for ourselves and posterity; and devoutly imploring his direction in so interesting a design, do agree upon, ordain and establish the following *Declaration of Rights and Frame of Government*, as the CONSTITUTION of the COMMONWEALTH OF MASSACHUSETTS.

PART THE FIRST.

A Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts.

Equality and natural rights of all men.

ART. I. All men are born free and equal, and have certain natural, essential and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing and protecting property; in fine, that of seeking and obtaining their safety and happiness.

Right and duty of public religious worship.

II. It is the right as well as the duty of all men in society, publicly, and at stated seasons, to worship the SUPREME BEING, the great Creator and Preserver of the universe. And no subject shall be hurt, molested or restrained, in his person, liberty or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience; or for his religious profession or sentiments; provided he doth not disturb the public peace, or obstruct others in their religious worship.

Protection therein.

Amendment, Art. XI., substituted for this.

Legislature empowered to compel provision for public worship;

[III.* As the happiness of a people, and the good order and preservation of civil government, essentially depend upon piety, religion and morality; and as these cannot be generally diffused through a community, but by the institution of the public worship of God, and of public instructions in piety, religion and morality; Therefore, to promote their happiness, and to secure the good order and preservation of their Government, the people of this Commonwealth have a right to invest their legislature with power to authorize and require, and the legislature shall, from time to time, authorize and require the several towns, parishes, precincts, and other bodies politic, or religious societies, to make suitable provision, at their own expense, for the institution of the public worship of God, and for the support and maintenance of public Protestant teachers of piety, religion and morality, in all cases where such provision shall not be made voluntarily.

* NOTE.—Articles of the original constitution and articles of amendment thereto which have become inoperative, by reason of subsequent amendments, are printed in smaller type and enclosed in brackets: obsolete portions of articles, in some instances confined to a sentence or single word, are covered by brackets, but allowed to stand in type uniform with the matter still in force.

And the people of this Commonwealth have also a right to, and do, invest their legislature with authority to enjoin upon all the subjects an attendance upon the instructions of the public teachers aforesaid, at stated times and seasons, if there be any on whose instructions they can conscientiously and conveniently attend

and to enjoin attendance thereon.

Provided, notwithstanding, that the several towns, parishes, precincts, and other bodies politic, or religious societies, shall at all times, have the exclusive right of electing their public teachers, and of contracting with them for their support and maintenance.

Exclusive right of electing religious teachers secured.

And all moneys, paid by the subject, to the support of public worship, and of the public teachers aforesaid, shall, if he require it, be uniformly applied to the support of the public teacher or teachers of his own religious sect or denomination, provided there be any on whose instructions he attends; otherwise it may be paid toward the support of the teacher or teachers of the parish or precinct in which the said moneys are raised.

Option as to whom parochial taxes may be paid, unless, &c.

And every denomination of Christians, demeaning themselves peaceably, and as good subjects of the Commonwealth, shall be equally under the protection of the law: and no subordination of any one sect or denomination to another shall ever be established by law.]

All denominations equally protected. Subordination of one sect to another prohibited.

IV. The people of this Commonwealth have the sole and exclusive right of governing themselves as a free, sovereign and independent State; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction and right, which is not, or may not hereafter, be by them expressly delegated to the United States of America, in congress assembled.

Right of self-government secured.

V. All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive or judicial, are their substitutes and agents, and are at all times accountable to them.

Accountability of all officers, &c.

VI. No man, nor corporation or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the community, than what arises from the consideration of services rendered to the public; and this title being in nature neither hereditary, nor transmissible to children or descendants, or relations by blood, the idea of a man born a magistrate, lawgiver or judge, is absurd and unnatural.

Services rendered to the public being the only title to peculiar privileges, hereditary offices are absurd and unnatural.

VII. Government is instituted for the common good; for the protection, safety, prosperity and happiness of the people; and not for the profit, honor or private interest of any one man, family or class of men: Therefore the people alone have an incontestable, unalienable and infeasible right to institute government; and to reform, alter or totally change the same, when their protection, safety, prosperity and happiness require it.

Objects of government; right of people to institute and change it.

VIII. In order to prevent those who are vested with authority from becoming oppressors, the people have a right at such periods and in such manner as they shall establish

Right of people to secure rotation in office.

by their frame of government, to cause their public officers to return to private life; and to fill up vacant places by certain and regular elections and appointments.

All, having the qualifications prescribed, equally eligible to office.

IX. All elections ought to be free; and all the inhabitants of this Commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments.

Right of protection and duty of contribution correlative.

X. Each individual of the society has a right to be protected by it in the enjoyment of his life, liberty and property, according to standing laws. He is obliged, consequently, to contribute his share to the expense of this protection; to give his personal service, or an equivalent, when necessary: but no part of the property of any individual can, with justice, be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. In fine, the people of this Commonwealth are not contrrollable by any other laws than those to which their constitutional representative body have given their consent. And whenever the public exigencies require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

Taxation founded on consent.

Private property not to be taken for public uses without, &c.

Remedies by recourse to the law, to be free, complete and prompt.

XI. Every subject of the Commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property or character. He ought to obtain right and justice freely, and without being obliged to purchase it; completely, and without any denial; promptly, and without delay, conformably to the laws.

Prosecutions regulated.

XII. No subject shall be held to answer for any crimes or offence until the same is fully and plainly, substantially and formally, described to him; or be compelled to accuse, or furnish evidence against himself: and every subject shall have a right to produce all proofs that may be favorable to him; to meet the witnesses against him face to face, and to be fully heard in his defence by himself, or his counsel, at his election. And no subject shall be arrested, imprisoned, despoiled or deprived of his property, immunities or privileges, put out of the protection of the law, exiled or deprived of his life, liberty or estate, but by the judgment of his peers, or the law of the land.

Right to trial by jury, in criminal cases, except, &c.

And the legislature shall not make any law that shall subject any person to a capital or infamous punishment, excepting for the government of the army and navy, without trial by jury.

XIII. In criminal prosecutions, the verification of facts, in the vicinity where they happen, is one of the greatest securities of the life, liberty and property of the citizen.

Crimes to be proved in the vicinity.

XIV. Every subject has a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions. All warrants, therefore, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation, and if the order in the warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest or seizure: and no warrant ought to be issued but in cases, and with the formalities, prescribed by the laws.

Right of search and seizure regulated.

XV. In all controversies concerning property, and in all suits between two or more persons, except in cases in which it has heretofore been otherways used and practised, the parties have a right to a trial by jury; and this method of procedure shall be held sacred, unless, in causes arising on the high seas, and such as relate to mariners' wages, the legislature shall hereafter find it necessary to alter it.

Right to trial by jury sacred, except, &c.

XVI. The liberty of the press is essential to the security of freedom in a state: it ought not, therefore, to be restrained in this Commonwealth.

Liberty of the press.

XVII. The people have a right to keep and to bear arms for the common defence. And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature; and the military power shall always be held in an exact subordination to the civil authority, and be governed by it.

Right to keep and bear arms. Standing armies dangerous. Military power subordinate to civil.

XVIII. A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry and frugality, are absolutely necessary to preserve the advantages of liberty, and to maintain a free government. The people ought, consequently, to have a particular attention to all those principles, in the choice of their officers and representatives: and they have a right to require of their lawgivers and magistrates, an exact and constant observance of them, in the formation and execution of the laws necessary for the good administration of the Commonwealth.

Moral qualifications for office.

XIX. The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives, and to request of the legislative body, by the way of addresses, petitions or

Moral obligations of lawgivers and magistrates.

Right of people to instruct representatives and petition legislature.

remonstrances, redress of the wrongs done them, and of the grievances they suffer.

Power to suspend the laws or their execution.

XX. The power of suspending the laws, or the execution of the laws, ought never to be exercised but by the legislature, or by authority derived from it, to be exercised in such particular cases only as the legislature shall expressly provide for.

Freedom of debate, &c., and reason thereof.

XXI. The freedom of deliberation, speech and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.

Frequent sessions, and objects thereof.

XXII. The legislature ought frequently to assemble for the redress of grievances, for correcting, strengthening and confirming the laws, and for making new laws, as the common good may require.

Taxation founded on consent.

XXIII. No subsidy, charge, tax, impost or duties, ought to be established, fixed, laid or levied, under any pretext whatsoever, without the consent of the people, or their representatives in the legislature.

Ex post facto laws prohibited.

XXIV. Laws made to punish for actions done before the existence of such laws, and which have not been declared crimes by preceding laws, are unjust, oppressive and inconsistent with the fundamental principles of a free government.

Legislature not to convict of treason, &c.

XXV. No subject ought, in any case, or in any time, to be declared guilty of treason or felony by the legislature.

Excessive bail or fines, and cruel punishments prohibited.

XXVI. No magistrate or court of law shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

No soldier to be quartered in any house, unless, &c.

XXVII. In time of peace, no soldier ought to be quartered in any house without the consent of the owner; and in time of war, such quarters ought not to be made but by the civil magistrate, in a manner ordained by the legislature.

Citizens exempt from law-martial, unless, &c.

XXVIII. No person can in any case be subjected to law-martial, or to any penalties or pains, by virtue of that law, except those employed in the army or navy, and except the militia in actual service, but by authority of the legislature.

Judges of supreme judicial court.

XXIX. It is essential to the preservation of the rights of every individual, his life, liberty, property and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial and independent as the lot of humanity will admit. It is, therefore, not only the best policy, but for the security of the rights of the people, and of every citizen, that the judges of the supreme judicial court should hold their offices as long as they behave them-

Tenure of their office.

selves well, and that they should have honorable salaries Salaries.
ascertained and established by standing laws.

XXX. In the government of this Commonwealth, the Separation of executive, judicial, and legislative departments.
legislative department shall never exercise the executive and
judicial powers, or either of them: the executive shall never
exercise the legislative and judicial powers or either of
them: the judicial shall never exercise the legislative and
executive powers, or either of them: to the end it may be a
government of laws, and not of men.

PART THE SECOND.

The Frame of Government.

The people, inhabiting the territory formerly called the Title of body politic.
Province of Massachusetts Bay, do hereby solemnly and
mutually agree with each other, to form themselves into a
free, sovereign and independent body politic or state, by the
name of THE COMMONWEALTH OF MASSACHUSETTS.

CHAPTER I.

THE LEGISLATIVE POWER.

SECTION I.

The General Court.

ART. I. The department of legislation shall be formed Legislative department.
by two branches, a Senate and House of Representatives;
each of which shall have a negative on the other.

The legislative body [shall assemble every year on the See amendments, Art. X.
last Wednesday in May, and at such other times as they
shall judge necessary; and shall dissolve and be dissolved on
the day next preceding the said last Wednesday in May; and]
shall be styled, THE GENERAL COURT OF MASSACHUSETTS.

II. No bill or resolve of the senate or house of represent- Governor's veto.
atives shall become a law, and have force as such, until it
shall have been laid before the governor for his revisal; and
if he, upon such revision, approve thereof, he shall signify
his approbation by signing the same. But if he have any

Bill may be passed by two-thirds of each house, notwithstanding.

objection to the passing of such bill or resolve, he shall return the same, together with his objections thereto, in writing, to the senate or house of representatives, in whichever the same shall have originated, who shall enter the objections sent down by the governor, at large, on their records, and proceed to reconsider the said bill or resolve; but if, after such reconsideration, two-thirds of the said senate or house of representatives shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be reconsidered, and if approved by two-thirds of the members present, shall have the force of a law: but in all such cases, the votes of both houses shall be determined by yeas and nays; and the names of the persons voting for or against the said bill or resolve, shall be entered upon the public records of the Commonwealth.

See amendments, Art. I.

And in order to prevent unnecessary delays, if any bill or resolve shall not be returned by the governor within five days after it shall have been presented, the same shall have the force of a law.

General court may constitute judicatories, courts of record, &c.

III. The general court shall forever have full power and authority to erect and constitute judicatories and courts of record, or other courts, to be held in the name of the Commonwealth, for the hearing, trying and determining of all manner of crimes, offences, pleas, processes, complaints, actions, matters, causes and things, whatsoever, arising or happening within the Commonwealth, or between or concerning persons inhabiting or residing, or brought within the same; whether the same be criminal or civil, or whether the said crimes be capital or not capital, and whether the said pleas be real, personal or mixed; and for the awarding and making out of execution thereupon: to which courts and judicatories are hereby given and granted full power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy, or depending before them.

Courts, &c., may administer oaths.

General court may enact laws, &c.,

IV. And further, full power and authority are hereby given and granted to the said general court, from time to time, to make, ordain and establish all manner of wholesome and reasonable orders, laws, statutes and ordinances, directions and instructions, either with penalties or without, so as the same be not repugnant or contrary to this constitution, as they shall judge to be for the good and welfare of this Commonwealth, and for the government and ordering thereof, and of the subjects of the same, and for the necessary support and defence of the government thereof; and to name

not repugnant to the constitution;

and settle annually, or provide by fixed laws, for the naming and settling, all civil officers within the said Commonwealth, the election and constitution of whom are not hereafter in this form of government otherwise provided for; and to set forth the several duties, powers, and limits, of the several civil and military officers of this Commonwealth, and the forms of such oaths, or affirmations as shall be respectively administered unto them for the execution of their several offices and places so as the same be not repugnant or contrary to this constitution; and to impose and levy proportional and reasonable assessments, rates and taxes, upon all the inhabitants of, and persons resident, and estates lying, within the said Commonwealth; and also to impose and levy reasonable duties and excises upon any produce, goods, wares, merchandise and commodities whatsoever, brought into, produced, manufactured, or being within the same; to be issued and disposed of by warrant, under the hand of the governor of this Commonwealth, for the time being, with the advice and consent of the council, for the public service, in the necessary defence and support of the government of the said Commonwealth, and the protection and preservation of the subjects thereof, according to such acts as are or shall be in force within the same.

may provide for the election or appointment of officers;

prescribe their duties;

impose taxes;

duties and excises;

to be disposed of for defence, protection, &c.

And while the public charges of government, or any part thereof, shall be assessed on polls and estates, in the manner that has hitherto been practised, in order that such assessments may be made with equality, there shall be a valuation of estates within the Commonwealth, taken anew once in every ten years at least, and as much oftener as the general court shall order.

Valuation of estates once in ten years, at least, while, &c.

CHAPTER I.

SECTION II.

Senate.

[ART. I. There shall be annually elected, by the freeholders and other inhabitants of this Commonwealth, qualified as in this constitution is provided, forty persons to be councillors and senators, for the year ensuing their election; to be chosen by the inhabitants of the districts, into which the Commonwealth may, from time to time, be divided by the general court for that purpose: and the general court, in assigning the numbers to be elected by the respective districts, shall govern themselves by the proportion of the public taxes paid by the said districts; and timely make known, to the inhabitants of the Commonwealth, the limits of each

Senate, number of, and by whom elected.

See amendments, Arts. XIII., XVI. and XXII.

district, and the number of councillors and senators to be chosen therein: provided, that the number of such districts shall never be less than thirteen; and that no district be so large as to entitle the same to choose more than six senators.

Counties to be districts, until, &c.
See amendments, Arts. XIII. and XXII.

And the several counties in this Commonwealth shall, until the general court shall determine it necessary to alter the said districts, be districts for the choice of councillors and senators, (except that the counties of Dukes county and Nantucket shall form one district for that purpose,) and shall elect the following number for councillors and senators, viz.:—

Suffolk, six; Essex, six; Middlesex, five; Hampshire, four; Plymouth, three; Barnstable, one; Bristol, three; York, two; Dukes County and Nantucket, one; Worcester, five; Cumberland, one; Lincoln, one; Berkshire, two.]

Manner and time of choosing senators and councillors.

See amendments, Arts. II., X., XIV. and XV.

See amendments, Arts. III., XX., XXIII. and XXVI.

Word "inhabitant" defined.

Selectmen to preside at town meetings.

Return of votes.

See amendments, Art. II.

Amendments, Art. X

II. The senate shall be the first branch of the legislature; [and the senators shall be chosen in the following manner, viz.: there shall be a meeting on the first Monday in April, annually, forever, of the inhabitants of each town in the several counties of this Commonwealth, to be called by the selectmen, and warned in due course of law, at least seven days before the first Monday in April, for the purpose of electing persons to be senators and councillors; and at such meetings every male inhabitant of twenty-one years of age and upwards, having a freehold estate, within the Commonwealth, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to give in his vote for the senators for the district of which he is an inhabitant.] And to remove all doubts concerning the meaning of the word "inhabitant," in this constitution, every person shall be considered as an inhabitant, for the purpose of electing and being elected into any office or place within this State, in that town, district or plantation where he dwelleth or hath his home.

The selectmen of the several towns shall preside at such meetings impartially, and shall receive the votes of all the inhabitants of such towns, present and qualified to vote for senators, and shall sort and count them in open town meeting, and in presence of the town clerk, who shall make a fair record, in presence of the selectmen, and in open town meeting, of the name of every person voted for, and of the number of votes against his name; and a fair copy of this record shall be attested by the selectmen and the town clerk, and shall be sealed up, directed to the secretary of the Commonwealth, for the time being, with a superscription expressing the purport of the contents thereof, and delivered by the town clerk of such towns, to the sheriff of the county in which such town lies, thirty days at least before [the last Wednesday in May, annually; or it shall be delivered into

the secretary's office seventeen days at least before the said last Wednesday in May; and the sheriff of each county shall deliver all such certificates, by him received, into the secretary's office, seventeen days before the said last Wednesday in May.]

And the inhabitants of plantations unincorporated, qualified as this constitution provides, who are or shall be empowered and required to assess taxes upon themselves toward the support of government, shall have the same privilege of voting for councillors and senators, in the plantations where they reside, as town inhabitants have in their respective towns; and the plantation meetings for that purpose shall be held, annually, [on the same first Monday in April,] at such place in the plantations, respectively, as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns, by this constitution. And all other persons living in places unincorporated, (qualified as aforesaid,) who shall be assessed to the support of government, by the assessors of an adjacent town, shall have the privilege of giving in their votes for councillors and senators, in the town where they shall be assessed, and be notified of the place of meeting, by the selectmen of the town where they shall be assessed, for that purpose, accordingly.

Inhabitants of unincorporated plantations, who pay state taxes, may vote.

Plantation meetings. See amendments, Art. X.

Assessors to notify, &c.

III. And that there may be a due convention of senators [on the last Wednesday in May,] annually, the governor, with five of the council, for the time being, shall, as soon as may be, examine the returned copies of such records; and fourteen days before the said day, he shall issue his summons to such persons as shall appear to be chosen by a majority of voters, to attend on that day, and take their seats accordingly; [provided, nevertheless, that for the first year, the said returned copies shall be examined by the president and five of the council of the former constitution of government; and the said president shall, in like manner, issue his summons to the persons so elected, that they may take their seats as aforesaid.]

Governor and council to examine and count votes, and issue summonses.

See amendments, Art. X.

IV. The senate shall be the final judge of the elections, returns and qualifications of their own members, as pointed out in the constitution; and shall, on the said [last Wednesday in May,] annually, determine and declare who are elected by each district to be senators, [by a majority of votes: and in case there shall not appear to be the full number of senators returned, elected by a majority of votes, for any district, the deficiency shall be supplied in the following manner,

Senate to be final judge of elections, &c., of its own members.

See amendments, Arts. X., XIV. and XXIV.

Vacancies, how filled. viz. : The members of the house of representatives, and such senators as shall be declared elected, shall take the names of such persons as shall be found to have the highest number of votes in such district, and not elected, amounting to twice the number of senators wanting, if there be so many voted for; and out of these, shall elect by ballot a number of senators sufficient to fill up the vacancies in such district; and in this manner all such vacancies shall be filled up in every district of the Commonwealth; and in like manner all vacancies in the senate, arising by death, removal out of the State or otherwise, shall be supplied as soon as may be after such vacancies shall happen.]

Qualifications of a senator. See amendments, Arts. XIII. and XXII.

V. Provided, nevertheless, that no person shall be capable of being elected a senator, [who is not seized in his own right of a freehold, within this Commonwealth, of the value of three hundred pounds at least, or possessed of personal estate of the value of six hundred pounds at least, or of both to the amount of the same sum, and] who has not been an inhabitant of this Commonwealth for the space of five years immediately preceding his election, and, at the time of his election, he shall be an inhabitant in the district for which he shall be chosen.

Senate not to adjourn more than two days.

VI. The senate shall have power to adjourn themselves; provided such adjournments do not exceed two days at a time.

Shall choose its officers and establish its rules.

VII. The senate shall choose its own president, appoint its own officers, and determine its own rules of proceedings.

Shall try all impeachments.

VIII. The senate shall be a court, with full authority to hear and determine all impeachments made by the house of representatives, against any officer or officers of the Commonwealth, for misconduct and mal-administration in their offices: but, previous to the trial of every impeachment, the members of the senate shall, respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence. Their judgment, however, shall not extend further than to removal from office, and disqualification to hold or enjoy any place of honor, trust or profit, under this Commonwealth: but the party so convicted shall be, nevertheless, liable to indictment, trial, judgment and punishment, according to the laws of the land.

Oath.

Limitation of sentence.

Quorum.

IX. Not less than sixteen members of the senate shall constitute a quorum for doing business.

CHAPTER I.

SECTION III.

House of Representatives.

ART. I. There shall be, in the legislature of this Commonwealth, a representation of the people, annually elected, and founded upon the principle of equality.

Representation of the people.

[II. And in order to provide for a representation of the citizens of this Commonwealth, founded upon the principle of equality, every corporate town, containing one hundred and fifty ratable polls, may elect one representative; every corporate town, containing three hundred and seventy-five ratable polls, may elect two representatives; every corporate town, containing six hundred ratable polls, may elect three representatives; and proceeding in that manner, making two hundred and twenty-five ratable polls the mean increasing number for every additional representative.

Representatives, by whom chosen.

See amendments, Arts. XII., XIII. and XXI.

Provided, nevertheless, that each town now incorporated, not having one hundred and fifty ratable polls, may elect one representative; but no place shall hereafter be incorporated with the privilege of electing a representative, unless there are within the same one hundred and fifty ratable polls.]

Proviso as to towns having less than 150 ratable polls.

And the house of representatives shall have power, from time to time, to impose fines upon such towns as shall neglect to choose and return members to the same, agreeably to this constitution.

Towns liable to fine in case, &c.

The expenses of travelling to the general assembly, and returning home, once in every session, and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in the judgment of the house, and does not depart without leave.

Expense of travelling to and from the general court, how paid.

III. Every member of the house of representatives shall be chosen by written votes; [and, for one year at least next preceding his election, shall have been an inhabitant of, and have been seized in his own right of a freehold of the value of one hundred pounds, within the town he shall be chosen to represent, or any ratable estate to the value of two hundred pounds; and he shall cease to represent the said town, immediately on his ceasing to be qualified as aforesaid.]

Qualifications of a representative. See amendments, Arts. XII., XIV. and XXI.

[IV. Every male person being twenty-one years of age, and resident in any particular town in this Commonwealth, for the space of one year next preceding, having a freehold estate within the same town, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to vote in the choice of a representative or representatives for the said town.]

Qualifications of a voter.

See amendments, Arts. III., XX. and XXIII.

Representatives, when chosen. See amendments, Arts. X. and XV. House alone can impeach.

House to originate all money bills.

Not to adjourn more than two days at a time.

Quorum. See amendments, Art. XXI.

House to judge of returns, &c., of its own members; to choose its officers and establish its rules, &c. May punish for certain offences.

Privileges of members.

Senate.

Governor and council may punish. General limitation.

Trial may be by committee, or otherwise.

[V. The members of the house of representatives shall be chosen annually in the month of May, ten days at least before the last Wednesday of that month.]

VI. The house of representatives shall be the grand inquest of this Commonwealth; and all impeachments made by them shall be heard and tried by the senate.

VII. All money bills shall originate in the house of representatives; but the senate may propose or concur with amendments, as on other bills.

VIII. The house of representatives shall have power to adjourn themselves; provided such adjournment shall not exceed two days at a time.

[IX. Not less than sixty members of the house of representatives shall constitute a quorum for doing business.]

X. The house of representatives shall be the judge of the returns, elections and qualifications of its own members, as pointed out in the constitution; shall choose their own speaker, appoint their own officers, and settle the rules and orders of proceeding in their own house. They shall have authority to punish by imprisonment, every person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in its presence; or who, in the town where the general court is sitting, and during the time of its sitting, shall threaten harm to the body or estate of any of its members, for anything said or done in the house; or who shall assault any of them therefor; or who shall assault or arrest any witness, or other person, ordered to attend the house, in his way in going or returning; or who shall rescue any person arrested by the order of the house.

And no member of the house of representatives shall be arrested, or held to bail on mean process, during his going unto, returning from, or his attending, the general assembly.

XI. The senate shall have the same powers in the like cases; and the governor and council shall have the same authority to punish in like cases: provided, that no imprisonment, on the warrant or order of the governor, council, senate or house of representatives, for either of the above described offences, be for a term exceeding thirty days.

And the senate and house of representatives may try and determine all cases where their rights and privileges are concerned, and which, by the constitution, they have authority to try and determine, by committees of their own members, or in such other way as they may, respectively, think best.

CHAPTER II.

EXECUTIVE POWER.

SECTION I.

Governor.

ART. I. There shall be a supreme executive magistrate, Governor.
 who shall be styled—THE GOVERNOR OF THE COMMONWEALTH
 OF MASSACHUSETTS; and whose title shall be—HIS EXCEL- His title.
 LENCY.

II. The governor shall be chosen annually; and no per- To be chosen annually. Qualifications.
 son shall be eligible to this office, unless, at the time of his
 election, he shall have been an inhabitant of this Common-
 wealth for seven years next preceding; and unless he shall,
 at the same time, be seized, in his own right, of a freehold,
 within the Commonwealth, of the value of one thousand
 pounds; [and unless he shall declare himself to be of the See amend-
 ments, Art.
 VII.
 Christian religion.]

[III. Those persons who shall be qualified to vote for senators and By whom chosen, if he have a majority of votes.
 representatives, within the several towns of this Commonwealth, shall, at
 a meeting to be called for that purpose, on the first Monday of April,
 annually, give in their votes for a governor, to the selectmen, who shall
 preside at such meetings; and the town clerk, in the presence and with
 the assistance of the selectmen, shall, in open town meeting, sort and
 count the votes, and form a list of the persons voted for, with the number
 of votes for each person against his name; and shall make a fair record
 of the same in the town books, and a public declaration thereof in the said
 meeting; and shall, in the presence of the inhabitants, seal up copies of
 the said list, attested by him and the selectmen, and transmit the same to
 the sheriff of the county, thirty days at least before the last Wednesday
 in May; and the sheriff shall transmit the same to the secretary's office,
 seventeen days at least before the said last Wednesday in May; or the
 selectmen may cause returns of the same to be made, to the office of the
 secretary of the Commonwealth, seventeen days at least before the said
 day; and the secretary shall lay the same before the senate and the house
 of representatives, on the last Wednesday in May, to be by them exam-
 ined; and in case of an election by a majority of all the votes returned,
 the choice shall be by them declared and published; but if no person shall
 have a majority of votes, the house of representatives shall, by ballot, elect
 two out of four persons, who had the highest number of votes, if so many
 shall have been voted for; but, if otherwise, out of the number voted for;
 and make return to the senate of the two persons so elected; on which,
 the senate shall proceed, by ballot, to elect one who shall be declared
 governor.] See amend-
 ments, Arts.
 II., X., XIV.
 and XV.

IV. The governor shall have authority, from time to How chosen, when no person has a majority.
 time, at his discretion, to assemble and call together the
 councillors of this Commonwealth for the time being; and
 the governor, with the said councillors, or five of them, at
 least, shall, and may, from time to time, hold and keep a Power of gov-
 ernor, and of
 governor and
 council.

council, for the ordering and directing the affairs of the Commonwealth, agreeably to the constitution and the laws of the land.

May adjourn or prorogue the general court upon request, and convene the same.

See amendments, Art. X.

V. The governor, with advice of council, shall have full power and authority, during the session of the general court, to adjourn or prorogue the same at any time the two houses shall desire; [and to dissolve the same on the day next preceding the last Wednesday in May; and, in the recess of the said court, to prorogue the same from time to time, not exceeding ninety days in any one recess;] and to call it together sooner than the time to which it may be adjourned or prorogued, if the welfare of the Commonwealth shall require the same; and in case of any infectious distemper prevailing in the place where the said court is next at any time to convene, or any other cause happening, whereby danger may arise to the health or lives of the members from their attendance, he may direct the session to be held at some other the most convenient place within the State.

See amendments, Art. X.

[And the governor shall dissolve the said general court on the day next preceding the last Wednesday in May.]

Governor and council may adjourn the general court in cases, &c., but not exceeding ninety days.

VI. In cases of disagreement between the two houses, with regard to the necessity, expediency or time of adjournment or prorogation, the governor, with advice of the council, shall have a right to adjourn or prorogue the general court, not exceeding ninety days, as he shall determine the public good shall require.

Governor to be commander-in-chief.

VII. The governor of this Commonwealth, for the time being, shall be the commander-in-chief of the army and navy, and of all the military forces of the State, by sea and land; and shall have full power, by himself, or by any commander, or other officer or officers, from time to time, to train, instruct, exercise and govern the militia and navy; and, for the special defence and safety of the Commonwealth, to assemble in martial array, and put in warlike posture the inhabitants thereof, and to lead and conduct them, and with them, to encounter, repel, resist, expel and pursue, by force of arms, as well by sea as by land, within or without the limits of this Commonwealth, and also to kill, slay and destroy, if necessary, and conquer, by all fitting ways, enterprises and means whatsoever, all and every such person and persons as shall, at any time hereafter, in a hostile manner, attempt or enterprise the destruction, invasion, detriment or annoyance of this Commonwealth; and to use and exercise, over the army and navy, and over the militia in actual service, the law martial, in time of war or invasion, and also in time of rebellion, declared by the legislature to exist, as

occasion shall necessarily require ; and to take and surprise, by all ways and means whatsoever, all and every such person or persons, with their ships, arms, ammunition and other goods, as shall, in a hostile manner, invade or attempt the invading, conquering or annoying this Commonwealth ; and that the governor be intrusted with all these and other powers incident to the offices of captain-general and commander-in-chief, and admiral, to be exercised agreeably to the rules and regulations of the constitution, and the laws of the land, and not otherwise.

Provided, that the said governor shall not, at any time hereafter, by virtue of any power by this constitution granted, or hereafter to be granted to him by the legislature, transport any of the inhabitants of this Commonwealth, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the general court ; except so far as may be necessary to march or transport them by land or water, for the defence of such part of the State to which they cannot otherwise conveniently have access.

VIII. The power of pardoning offences, except such as persons may be convicted of before the senate, by an impeachment of the house, shall be in the governor, by and with the advice of council ; but no charter or pardon, granted by the governor, with advice of the council, before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned.

IX. All judicial officers, [the attorney-general, the solicitor-general, all sheriffs,] coroners [and registers of probate,] shall be nominated and appointed by the governor, by and with the advice and consent of the council ; and every such nomination shall be made by the governor, and made at least seven days prior to such appointment.

X. The captains and subalterns of the militia shall be elected by the written votes of the train-band and alarm list of their respective companies, of [twenty-one years of age and upwards ;] the field officers of regiments shall be elected by the written votes of the captains and subalterns of their respective regiments ; the brigadiers shall be elected, in like manner, by the field officers of their respective brigades ; and such officers, so elected, shall be commissioned by the governor, who shall determine their rank.

The legislature shall, by standing laws, direct the time and manner of convening the electors, and of collecting votes, and of certifying to the governor the officers elected.

Limitation.

Governor and council may pardon offences, except, &c.

But not before conviction.

All judicial officers, &c., how nominated and appointed. See amendments, Arts. XIV., XVII. and XIX.

Militia officers, how elected.

See amendments, Art. V.

How commissioned.

Electors of officers.

Major-generals,
how appointed
and commis-
sioned.

The major-generals shall be appointed by the senate and house of representatives, each having a negative upon the other ; and be commissioned by the governor.

Vacancies, how
filled, in case,
&c.

And if the electors of brigadiers, field officers, captains or subalterns shall neglect or refuse to make such elections, after being duly notified, according to the laws for the time being, then the governor, with advice of council, shall appoint suitable persons to fill such offices.

Officers duly
commissioned,
how removed.
See amend-
ments, Art. IV.

[And no officer, duly commissioned to command in the militia, shall be removed from his office, but by the address of both houses to the governor, or by fair trial in court-martial, pursuant to the laws of the Commonwealth for the time being.]

Adjutants, &c.,
how appointed.

The commanding officers of regiments shall appoint their adjutants and quartermasters ; the brigadiers their brigade-majors ; and the major-generals their aids ; and the governor shall appoint the adjutant-general.

Adjutant-gen-
eral.

Army officers,
how appointed.

The governor, with advice of council, shall appoint all officers of the continental army, whom by the confederation of the United States it is provided that this Commonwealth shall appoint,—as also all officers of forts and garrisons.

Organization of
militia.

The divisions of the militia into brigades, regiments and companies, made in pursuance of the militia laws now in force, shall be considered as the proper divisions of the militia of this Commonwealth, until the same shall be altered in pursuance of some future law.

Money, how
drawn from the
treasury, ex-
cept, &c.

XI. No moneys shall be issued out of the treasury of this Commonwealth and disposed of, (except such sums as may be appropriated for the redemption of bills of credit or treasurer's notes, or for the payment of interest arising thereon,) but by warrant under the hand of the governor for the time being, with the advice and consent of the council, for the necessary defence and support of the Commonwealth, and for the protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the general court.

Public boards
and certain offi-
cers to make
quarterly re-
turns.

XII. All public boards, the commissary-general, all superintending officers of public magazines and stores, belonging to this Commonwealth, and all commanding officers of forts and garrisons within the same, shall, once in every three months, officially and without requisition, and at other times, when required by the governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon with their appendages, and small arms with their accoutrements, and of all other public property whatever under their care, respectively ; distinguishing the quantity, number, quality and kind of each, as particularly as may be ; together with

the condition of such forts and garrisons ; and the said commanding officer shall exhibit to the governor, when required by him, true and exact plans of such forts, and of the land and sea, or harbor or harbors, adjacent.

And the said boards, and all public officers, shall communicate to the governor, as soon as may be after receiving the same, all letters, dispatches and intelligences of a public nature, which shall be directed to them respectively.

XIII. As the public good requires that the governor should not be under the undue influence of any of the members of the general court, by a dependence on them for his support—that he should, in all cases, act with freedom for the benefit of the public—that he should not have his attention necessarily diverted from that object to his private concerns—and that he should maintain the dignity of the Commonwealth in the character of its chief magistrate—it is necessary that he should have an honorable stated salary, of a fixed and permanent value, amply sufficient for those purposes, and established by standing laws: and it shall be among the first acts of the general court, after the commencement of this constitution, to establish such salary by law accordingly.

Salary of governor.

Permanent and honorable salaries shall also be established by law for the justices of the supreme judicial court.

Salaries of justices of supreme judicial court.

And if it shall be found that any of the salaries aforesaid, so established, are insufficient, they shall, from time to time, be enlarged, as the general court shall judge proper.

Salaries to be enlarged, if insufficient.

CHAPTER II.

SECTION II.

Lieutenant-Governor.

ART. I. There shall be annually elected a lieutenant-governor of the Commonwealth of Massachusetts, whose title shall be—HIS HONOR ; and who shall be qualified, in point of religion, property, and residence in the Commonwealth, in the same manner with the governor ; and the day and manner of his election, and the qualifications of the electors, shall be the same as are required in the election of a governor. The return of the votes for this officer, and the declaration of his election, shall be in the same manner ; [and if no one person shall be found to have a majority of all the votes returned, the vacancy shall be filled by the senate

Lieutenant-governor; his title and qualifications.

See amendments, Arts. III., VI., X. and XV.

How chosen.

and house of representatives, in the same manner as the governor is to be elected, in case no one person shall have a majority of the votes of the people to be governor.]

President of council.

Lieutenant-governor a member of, except, &c.

Lieutenant-governor to be acting governor, in case, &c.

II. The governor, and in his absence the lieutenant-governor, shall be president of the council, but shall have no vote in council; and the lieutenant-governor shall always be a member of the council, except when the chair of the governor shall be vacant.

III. Whenever the chair of the governor shall be vacant, by reason of his death, or absence from the Commonwealth, or otherwise, the lieutenant-governor, for the time being, shall, during such vacancy, perform all the duties incumbent upon the governor, and shall have and exercise all the powers and authorities, which, by this constitution, the governor is vested with, when personally present.

CHAPTER II.

SECTION III.

Council, and the Manner of settling Elections by the Legislature.

Council.

See amendments, Art. XVI.

ART. I. There shall be a council, for advising the governor in the executive part of the government, to consist of [nine] persons besides the lieutenant-governor, whom the governor, for the time being, shall have full power and authority, from time to time, at his discretion, to assemble and call together; and the governor, with the said councillors, or five of them at least, shall and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the Commonwealth, according to the laws of the land.

Number; from whom, and how chosen.

See amendments, Arts. X, XIII. and XVI.

Senators becoming councillors, seats vacated
Rank of councillors.

[II. Nine councillors shall be annually chosen from among the persons returned for councillors and senators, on the last Wednesday in May, by the joint ballot of the senators and representatives assembled in one room; and in case there shall not be found, upon the first choice, the whole number of nine persons who will accept a seat in the council, the deficiency shall be made up by the electors aforesaid from among the people at large; and the number of senators left, shall constitute the senate for the year. The seats of the persons thus elected from the senate, and accepting the trust, shall be vacated in the senate.]

III. The councillors, in the civil arrangements of the Commonwealth, shall have rank next after the lieutenant-governor.

No district to have more than two.

[IV. Not more than two councillors shall be chosen out of any one district in this Commonwealth.]

V. The resolutions and advice of the council shall be recorded in a register and signed by the members present; and this record may be called for, at any time, by either house of the legislature; and any member of the council may insert his opinion, contrary to the resolution of the majority.

Register of council.

VI. Whenever the office of the governor and lieutenant-governor shall be vacant by reason of death, absence, or otherwise, then the council, or the major part of them, shall, during such vacancy, have full power and authority, to do and execute, all and every such acts, matters and things, as the governor or the lieutenant-governor might, or could, by virtue of this constitution, do or execute, if they, or either of them, were personally present.

Council to exercise the power of governor, in case, &c.

[VII. And whereas the elections appointed to be made by this constitution on the last Wednesday in May annually, by the two houses of the legislature, may not be completed on that day, the said elections may be adjourned from day to day, until the same shall be completed. And the order of elections shall be as follows: the vacancies in the senate, if any, shall first be filled up; the governor and lieutenant-governor shall then be elected, provided there should be no choice of them by the people; and afterwards the two houses shall proceed to the election of the council.]

Elections may be adjourned until, &c.

Order thereof.

Amendments, Arts. XVI. and XXV.

CHAPTER II.

SECTION IV.

Secretary, Treasurer, Commissary, &c.

ART. I. [The secretary, treasurer and receiver-general, and the commissary-general, notaries public and naval officers, shall be chosen annually, by joint ballot of the senators and representatives, in one room.] And, that the citizens of this Commonwealth may be assured, from time to time, that the moneys remaining in the public treasury, upon the settlement and liquidation of the public accounts, are their property, no man shall be eligible as treasurer and receiver-general more than five years successively.

Secretary, &c.; by whom and how chosen. See amendments, Arts. IV. and XVII. Treasurer ineligible for more than five successive years.

II. The records of the Commonwealth shall be kept in the office of the secretary, who may appoint his deputies, for whose conduct he shall be accountable; and he shall attend the governor and council, the senate and house of representatives in person, or by his deputies, as they shall respectively require.

Secretary to keep records; to attend the governor and council, &c.

CHAPTER III.

JUDICIARY POWER.

Tenure of all commission officers to be expressed. Judicial officers to hold office during good behavior, except, &c.
May be removed on address.

Justices of supreme judicial court to give opinions when required.

Justices of the peace; tenure of their office.

Provisions for holding probate courts.

Causes of marriage and divorce, how determined.

ART. I. The tenure that all commission officers shall by law have in their offices shall be expressed in their respective commissions. All judicial officers, duly appointed, commissioned and sworn, shall hold their offices during good behavior, excepting such concerning whom there is different provision made in this constitution: provided, nevertheless, the governor, with consent of the council, may remove them upon the address of both houses of the legislature.

II. Each branch of the legislature, as well as the governor and council, shall have authority to require the opinions of the justices of the supreme judicial court, upon important questions of law, and upon solemn occasions.

III. In order that the people may not suffer from the long continuance in place of any justice of the peace, who shall fail of discharging the important duties of his office with ability or fidelity, all commissions of justices of the peace shall expire and become void in the term of seven years from their respective dates; and, upon the expiration of any commission, the same may, if necessary, be renewed, or another person appointed, as shall most conduce to the well being of the Commonwealth.

IV. The judges of probate of wills, and for granting letters of administration, shall hold their courts at such place or places, on fixed days, as the convenience of the people shall require; and the legislature shall, from time to time, hereafter, appoint such times and places; until which appointments, the said courts shall be holden at the times and places which the respective judges shall direct.

[V. All causes of marriage, divorce and alimony, and all appeals from the judges of probate, shall be heard and determined by the governor and council until the legislature shall, by law, make other provision.]

CHAPTER IV.

DELEGATES TO CONGRESS.

Delegates to congress.

[The delegates of this Commonwealth to the congress of the United States shall, some time in the month of June, annually, be elected by the joint ballot of the senate and house of representatives assembled together in one room; to serve in congress for one year, to commence on the first Monday in November then next ensuing. They shall have commissions under the hand of the governor, and the great seal of the Commonwealth; but may be recalled at any time within the year, and others chosen and commissioned in the same manner in their stead.]

CHAPTER V.

THE UNIVERSITY AT CAMBRIDGE, AND ENCOURAGEMENT OF
LITERATURE, &c.

SECTION I.

The University.

ART. I. Whereas our wise and pious ancestors, so early as the year one thousand six hundred and thirty-six, laid the foundation of Harvard College, in which university many persons of great eminence have, by the blessing of God, been initiated in those arts and sciences which qualified them for public employments, both in church and state; and whereas the encouragement of arts and sciences, and all good literature, tends to the honor of God, the advantage of the Christian religion, and the great benefit of this and the other United States of America,—it is declared, that the PRESIDENT AND FELLOWS OF HARVARD COLLEGE, in their corporate capacity, and their successors in that capacity, their officers and servants, shall have, hold, use, exercise and enjoy, all the powers, authorities, rights, liberties, privileges, immunities and franchises, which they now have, or are entitled to have, hold, use, exercise and enjoy; and the same are hereby ratified and confirmed unto them, the said president and fellows of Harvard College, and to their successors, and to their officers and servants, respectively, forever.

Harvard College.

Powers, privileges, &c. of the president and fellows, confirmed.

II. And whereas there have been, at sundry times, by divers persons, gifts, grants, devises of houses, lands, tenements, goods, chattels, legacies and conveyances, heretofore made, either to Harvard College in Cambridge, in New England, or to the president and fellows of Harvard College, or to the said college, by some other description, under several charters successively; it is declared, that all the said gifts, grants, devises, legacies and conveyances, are hereby forever confirmed unto the president and fellows of Harvard College, and to their successors, in the capacity aforesaid, according to the true intent and meaning of the donor or donors, grantor or grantors, devisor or devisors.

Property devised.

Gifts, grants, and conveyances confirmed.

III. And whereas by an act of the general court of the colony of Massachusetts Bay, passed in the year one thousand six hundred and forty-two, the governor and deputy-governor, for the time being, and all the magistrates of that jurisdiction, were, with the president, and a number of the clergy in the said act described, constituted the overseers of

Board of overseers established by general court of 1642.

Overseers established by constitution.

Power of alteration reserved to the legislature.

Harvard College; and it being necessary, in this new constitution of government, to ascertain who shall be deemed successors to the said governor, deputy-governor, and magistrates; it is declared, that the governor, lieutenant-governor, council and senate of this Commonwealth, are, and shall be deemed, their successors; who, with the president of Harvard College, for the time being, together with the ministers of the congregational churches in the towns of Cambridge, Watertown, Charlestown, Boston, Roxbury and Dorchester, mentioned in the said act, shall be, and hereby are, vested with all the powers and authority belonging, or in any way appertaining, to the overseers of Harvard College: provided, that nothing herein shall be construed to prevent the legislature of this Commonwealth from making such alterations in the government of the said university, as shall be conducive to its advantage, and the interest of the republic of letters, in as full a manner as might have been done by the legislature of the late Province of the Massachusetts Bay.

CHAPTER V.

SECTION II.

The Encouragement of Literature, &c.

Duty of legislatures and magistrates in all future periods. See amendments, Art. XVIII.

Wisdom and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of legislatures and magistrates, in all future periods of this Commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them; especially the university at Cambridge, public schools, and grammar schools in the towns; to encourage private societies, and public institutions, rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings; sincerity, good humor, and all social affections, and generous sentiments, among the people.

CHAPTER VI.

OATHS AND SUBSCRIPTIONS; INCOMPATIBILITY OF AND EXCLUSION FROM OFFICES; PECUNIARY QUALIFICATIONS; COMMISSIONS; WRITS; CONFIRMATION OF LAWS; HABEAS CORPUS; THE ENACTING STYLE; CONTINUANCE OF OFFICERS; PROVISION FOR A FUTURE REVISAL OF THE CONSTITUTION, &c.

ART. I. [Any person chosen governor, lieutenant-governor, councillor, senator or representative, and accepting the trust, shall, before he proceed to execute the duties of his place or office, make and subscribe the following declaration, viz.:

Declaration of executive and legislative officers.

“I, A. B., do declare that I believe the Christian religion, and have a firm persuasion of its truth; and that I am seized and possessed, in my own right, of the property required by the constitution, as one qualification for the office or place to which I am elected.”

See amendments, Art. VII.

And the governor, lieutenant-governor and councillors, shall make and subscribe the said declaration in the presence of the two houses of assembly; and the senators and representatives, first elected under this constitution, before the president and five of the council of the former constitution; and forever afterwards, before the governor and council for the time being.]

And every person chosen to either of the places or offices aforesaid, as also any person appointed or commissioned to any judicial, executive, military or other office under the government, shall, before he enters on the discharge of the business of his place or office, take and subscribe the following declaration, and oaths or affirmations, viz.:

Declaration and oaths of all officers.

[“I, A. B., do truly and sincerely acknowledge, profess, testify and declare that the Commonwealth of Massachusetts is, and of right ought to be, a free, sovereign and independent State; and I do swear, that I will bear true faith and allegiance to the said Commonwealth, and that I will defend the same against traitorous conspiracies and all hostile attempts whatsoever; and that I do renounce and abjure all allegiance, subjection and obedience to the king, queen or government of Great Britain (as the case may be), and every other foreign power whatsoever; and that no foreign prince, person, prelate, state or potentate, hath, or ought to have, any jurisdiction, superiority, pre-eminence, authority, dispensing or other power, in any matter, civil, ecclesiastical or spiritual, within this Commonwealth; except the authority and power which is or may be vested by their constituents in the congress of the United States: and I do further testify and declare, that no man, or body of men, hath or can have, any right to absolve or discharge me from the obligation of this oath, declaration or affirmation; and that I do make this acknowledgment, profession, testimony, declaration, denial, renunciation and abjuration, heartily and truly, according to the common meaning and acceptation of the foregoing words, without any equivocation, mental evasion or secret reservation whatsoever. So help me, God.”]

See amendments, Art. VI.

“I, A. B., do solemnly swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as

, according to the

best of my abilities and understanding, agreeably to the rules and regulations of the constitution, and the laws of the Commonwealth. So help me, God."

See amend-
ments, Art. VI.

[Provided, always, that when any person, chosen or appointed as aforesaid, shall be of the denomination of the people called Quakers, and shall decline taking the said oaths, he shall make his affirmation in the foregoing form, and subscribe the same, omitting the words, "I do swear," "and abjure," "oath or," "and abjuration," in the first oath; and in the second oath, the words "swear and," and in each of them the words, "So help me, God;" subjoining instead thereof, "This I do under the pains and penalties of perjury."]

Oaths and af-
firmations, how
administered.

And the said oaths or affirmations shall be taken and subscribed by the governor, lieutenant-governor and councillors, before the president of the senate, in the presence of the two houses of assembly; and by the senators and representatives first elected under this constitution, before the president and five of the council of the former constitution; and forever afterwards before the governor and council for the time being; and by the residue of the officers aforesaid, before such persons, and in such manner, as from time to time shall be prescribed by the legislature.

Plurality of of-
fices prohibited
to governor,
&c., except, &c.

See amend-
ments, Art.
VIII.

II. No governor, lieutenant-governor, or judge of the supreme judicial court, shall hold any other office or place, under the authority of this Commonwealth, except such as by this constitution they are admitted to hold, saving that the judges of the said court may hold the offices of justices of the peace through the State; nor shall they hold any other place or office, or receive any pension or salary from any other State, or government or power, whatever.

Same subject.

No person shall be capable of holding or exercising at the same time, within this State, more than one of the following offices, viz.: judge of probate—sheriff—register of probate—or register of deeds; and never more than any two offices, which are to be held by appointment of the governor, or the governor and council, or the senate, or the house of representatives, or by the election of the people of the State at large, or of the people of any county, military offices, and the offices of justices of the peace excepted, shall be held by one person.

Incompatible
offices.

See amend-
ments, Art.
VIII.

No person holding the office of judge of the supreme judicial court—secretary—attorney-general—[solicitor-general]—treasurer or receiver-general—judge of probate—commissary-general—president, professor or instructor of Harvard College—sheriff—clerk of the house of representatives—register of probate—register of deeds—clerk of the supreme judicial court—[clerk of the inferior court of common pleas]—or officer of the customs, including in this

description naval officers—shall at the same time have a seat in the senate or house of representatives; but their being chosen or appointed to, and accepting the same, shall operate as a resignation of their seat in the senate or house of representatives; and the place so vacated shall be filled up.

And the same rule shall take place in case any judge of the said supreme judicial court, or judge of probate, shall accept a seat in council; or any councillor shall accept of either of those offices or places. Same subject.

And no person shall ever be admitted to hold a seat in the legislature, or any office of trust or importance under the government of this Commonwealth, who shall in the due course of law, have been convicted of bribery or corruption, in obtaining an election or appointment. Bribery, &c., operates disqualification.

III. In all cases where sums of money are mentioned in this constitution, the value thereof shall be computed in silver, at six shillings and eight pence per ounce; and it shall be in the power of the legislature, from time to time, to increase such qualifications, as to property, of the persons to be elected to offices, as the circumstances of the Commonwealth shall require. Value of money ascertained. Property qualifications. See amendments, Art. XIII.

IV. All commissions shall be in the name of the Commonwealth of Massachusetts, signed by the governor, and attested by the secretary or his deputy, and have the great seal of the Commonwealth affixed thereto. Provisions respecting commissions.

V. All writs, issuing out of the clerk's office in any of the courts of law, shall be in the name of the Commonwealth of Massachusetts; they shall be under the seal of the court from whence they issue; they shall bear test of the first justice of the court to which they shall be returnable who is not a party, and be signed by the clerk of such court. Provisions respecting writs.

VI. All the laws, which have heretofore been adopted, used and approved, in the Province, Colony or State of Massachusetts Bay, and usually practised on in the courts of law, shall still remain and be in full force, until altered or repealed by the legislature; such parts only excepted as are repugnant to the rights and liberties contained in this constitution. Continuation of former laws, except, &c.

VII. The privilege and benefit of the writ of habeas corpus shall be enjoyed in this Commonwealth, in the most free, easy, cheap, expeditious and ample manner; and shall not be suspended by the legislature, except upon the most urgent and pressing occasions, and for a limited time, not exceeding twelve months. Benefit of habeas corpus secured, except, &c.

The enacting style.

VIII. The enacting style, in making and passing all acts, statutes and laws, shall be—"Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same."

Officers of former government continued until, &c.

[IX. To the end there may be no failure of justice, or danger arise to the Commonwealth, from a change of the form of government, all officers, civil and military, holding commissions under the government and people of Massachusetts Bay, in New England, and all other officers of the said government and people, at the time this constitution shall take effect, shall have, hold, use, exercise and enjoy all the powers and authority to them granted or committed, until other persons shall be appointed in their stead; and all courts of law shall proceed in the execution of the business of their respective departments; and all the executive and legislative officers, bodies and powers, shall continue in full force, in the enjoyment and exercise of all their trusts, employments and authority, until the general court, and the supreme and executive officers under this constitution, are designated and invested with their respective trusts, powers and authority.]

Provision for revising constitution. Amendments, Art. IX.

X. In order the more effectually to adhere to the principles of the constitution, and to correct those violations which by any means may be made therein, as well as to form such alterations as from experience shall be found necessary, the general court, which shall be in the year of our Lord one thousand seven hundred and ninety-five, shall issue precepts to the selectmen of the several towns, and to the assessors of the unincorporated plantations, directing them to convene the qualified voters of their respective towns and plantations, for the purpose of collecting their sentiments on the necessity or expediency of revising the constitution, in order to amendments.

Same subject.

And if it shall appear, by the returns made, that two-thirds of the qualified voters throughout the State, who shall assemble and vote in consequence of the said precepts, are in favor of such revision or amendment, the general court shall issue precepts, or direct them to be issued from the secretary's office, to the several towns, to elect delegates to meet in convention for the purpose aforesaid.

The said delegates to be chosen in the same manner and proportion as their representatives in the second branch of the legislature are by this constitution to be chosen.]

Provision for preserving and publishing this constitution.

XI. This form of government shall be enrolled on parchment, and deposited in the secretary's office, and be a part of the laws of the land; and printed copies thereof shall be prefixed to the book containing the laws of this Commonwealth, in all future editions of the said laws.

ARTICLES OF AMENDMENT.

ART. I. If any bill or resolve shall be objected to, and not approved by the governor ; and if the general court shall adjourn within five days after the same shall have been laid before the governor for his approbation, and thereby prevent his returning it with his objections, as provided by the constitution, such bill or resolve shall not become a law, nor have force as such.

Bill, &c., not approved within five days, not to become a law, if legislature adjourn in the meantime.

ART. II. The general court shall have full power and authority to erect and constitute municipal or city governments, in any corporate town or towns in this Commonwealth, and to grant to the inhabitants thereof such powers, privileges and immunities, not repugnant to the constitution, as the general court shall deem necessary or expedient for the regulation and government thereof, and to prescribe the manner of calling and holding public meetings of the inhabitants in wards or otherwise, for the election of officers under the constitution, and the manner of returning the votes given at such meetings : provided, that no such government shall be erected or constituted in any town not containing twelve thousand inhabitants ; nor unless it be with the consent, and on the application, of a majority of the inhabitants of such town, present and voting thereon, pursuant to a vote at a meeting duly warned and holden for that purpose ; and provided, also, that all by-laws, made by such municipal or city government, shall be subject, at all times, to be annulled by the general court.

General court empowered to charter cities.

Proviso.

ART. III. Every male citizen of twenty-one years of age and upwards, (excepting paupers and persons under guardianship,) who shall have resided within the Commonwealth one year, and within the town or district, in which he may claim a right to vote, six calendar months next preceding any election of governor, lieutenant-governor, senators or representatives, and who shall have paid, by himself, or his parent, master or guardian, any state or county tax, which shall, within two years next preceding such election, have been assessed upon him, in any town or district of this Commonwealth ; and also, every citizen who shall be by law exempted from taxation, and who shall be in all other respects qualified as above mentioned, shall have a right to vote in such election of governor, lieutenant-governor, senators and representatives ; and no other person shall be entitled to vote in such elections.

Qualifications of voters for governor, lieutenant-governor, senators and representatives. 11 Pick. 538. See amendments, Arts. XX., XXIII. and XXVI.

Notaries public,
how appointed
and removed.

ART. IV. Notaries public shall be appointed by the governor, in the same manner as judicial officers are appointed, and shall hold their offices during seven years, unless sooner removed by the governor, with the consent of the council, upon the address of both houses of the legislature.

Vacancies in
the offices of
secretary and
treasurer, how
filled in case,
&c.
See amend-
ments, Art.
XVII.

[In case the office of secretary or treasurer of the Commonwealth shall become vacant from any cause, during the recess of the general court, the governor, with the advice and consent of the council, shall nominate and appoint, under such regulations as may be prescribed by law, a competent and suitable person to such vacant office, who shall hold the same until a successor shall be appointed by the general court.]

Commissary-
general may be
appointed, in
case, &c.

Whenever the exigencies of the Commonwealth shall require the appointment of a commissary-general, he shall be nominated, appointed and commissioned, in such manner as the legislature may, by law, prescribe.

Militia officers,
how removed.

All officers commissioned to command in the militia, may be removed from office in such manner as the legislature may, by law, prescribe.

Who may vote
for captains
and subalterns.

ART. V. In the elections of captains and subalterns of the militia, all the members of their respective companies, as well those under as those above the age of twenty-one years, shall have a right to vote.

Oath to be
taken by all of-
ficers.

ART. VI. Instead of the oath of allegiance prescribed by the constitution, the following oath shall be taken and subscribed by every person chosen or appointed to any office, civil or military, under the government of this Commonwealth, before he shall enter on the duties of his office, to wit:—

Proviso: Qua-
ker may affirm.

“I, A. B., do solemnly swear, that I will bear true faith and allegiance to the Commonwealth of Massachusetts, and will support the constitution thereof. So help me, God.”

Provided, That when any person shall be of the denomination called Quakers, and shall decline taking said oath, he shall make his affirmation in the foregoing form, omitting the word “swear,” and inserting, instead thereof, the word “affirm,” and omitting the words, “So help me, God,” and subjoining, instead thereof, the words “This I do under the pains and penalties of perjury.”

Tests abolish-
ed.

ART. VII. No oath, declaration or subscription, excepting the oath prescribed in the preceding article, and the oath of office, shall be required of the governor, lieutenant-governor, councillors, senators or representatives, to qualify them to perform the duties of their respective offices.

ART. VIII. No judge of any court of this Commonwealth, (except the court of sessions,) and no person holding any office under the authority of the United States (postmasters excepted,) shall, at the same time, hold the office of governor, lieutenant-governor or councillor, or have a seat in the senate or house of representatives of this Commonwealth; and no judge of any court in this Commonwealth, (except the court of sessions,) nor the attorney-general, [solicitor-general, county-attorney,] clerk of any court, sheriff, treasurer and receiver-general, register of probate, nor register of deeds, shall continue to hold his said office after being elected a member of the congress of the United States, and accepting that trust; but the acceptance of such trust, by any of the officers aforesaid, shall be deemed and taken to be a resignation of his said office; [and judges of the courts of common pleas shall hold no other office under the government of this Commonwealth, the office of justice of the peace and militia offices excepted.]

Incompatibility of offices.

ART. IX. If, at any time hereafter, any specific and particular amendment or amendments to the constitution be proposed in the general court, and agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, such proposed amendment or amendments shall be entered on the journals of the two houses, with the yeas and nays taken thereon, and referred to the general court then next to be chosen, and shall be published; and if, in the general court next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, then it shall be the duty of the general court to submit such proposed amendment or amendments to the people; and if they shall be approved and ratified by a majority of the qualified voters, voting thereon, at meetings legally warned and holden for that purpose, they shall become part of the constitution of this Commonwealth.

Amendments to constitution, how made.

ART. X. The political year shall begin on the first Wednesday of January, instead of the last Wednesday of May; and the general court shall assemble every year on the said first Wednesday of January, and shall proceed, at that session, to make all the elections, and do all the other acts, which are by the constitution required to be made and done at the session which has heretofore commenced on the last Wednesday of May. And the general court shall be

Commencement of political year,

and termination.

dissolved on the day next preceding the first Wednesday of January, without any proclamation or other act of the governor. But nothing herein contained shall prevent the general court from assembling at such other times as they shall judge necessary, or when called together by the governor. The governor, lieutenant-governor and councillors, shall also hold their respective offices for one year next following the first Wednesday of January, and until others are chosen and qualified in their stead.

Meetings for the choice of governor, lieutenant-governor, &c., when to be held. May be adjourned. See amendments, Art. XV.

[The meeting for the choice of governor, lieutenant-governor, senators and representatives, shall be held on the second Monday of November in every year; but meetings may be adjourned, if necessary, for the choice of representatives, to the next day, and again to the next succeeding day, but no further. But in case a second meeting shall be necessary for the choice of representatives, such meetings shall be held on the fourth Monday of the same month of November.]

All the [other] provisions of the constitution, respecting the elections and proceedings of the members of the general court, or of any other officers or persons whatever, that have reference to the last Wednesday of May, as the commencement of the political year, shall be so far altered, as to have like reference to the first Wednesday of January.

Article, when to go into operation.

This article shall go into operation on the first day of October, next following the day when the same shall be duly ratified and adopted as an amendment of the constitution; and the governor, lieutenant-governor, councillors, senators, representatives, and all other state officers, who are annually chosen, and who shall be chosen for the current year, when the same shall go into operation, shall hold their respective offices until the first Wednesday of January then next following, and until others are chosen and qualified in their stead, and no longer; and the first election of the governor, lieutenant-governor, senators and representatives, to be had in virtue of this article, shall be had conformably thereunto, in the month of November following the day on which the same shall be in force and go into operation, pursuant to the foregoing provision.

Inconsistent provisions annulled.

All the provisions of the existing constitution, inconsistent with the provisions herein contained, are hereby wholly annulled.

Religious freedom established.

ART. XI. Instead of the third article of the bill of rights, the following modification and amendment thereof is substituted:—

“As the public worship of God, and instructions in piety, religion and morality, promote the happiness and prosperity

of a people, and the security of a republican government; therefore the several religious societies of this Commonwealth, whether corporate or unincorporate, at any meeting legally warned and holden for that purpose, shall ever have the right to elect their pastors or religious teachers, to contract with them for their support, to raise money for erecting and repairing houses for public worship, for the maintenance of religious instruction, and for the payment of necessary expenses; and all persons belonging to any religious society shall be taken and held to be members, until they shall file with the clerk of such society a written notice declaring the dissolution of their membership, and thenceforth shall not be liable for any grant or contract which may be thereafter made or entered into by such society; and all religious sects and denominations, demeaning themselves peaceably, and as good citizens of the Commonwealth, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law."

[ART. XII. In order to provide for a representation of the citizens of this Commonwealth, founded upon the principles of equality, a census of the ratable polls in each city, town and district of the Commonwealth, on the first day of May, shall be taken and returned into the secretary's office, in such manner as the legislature shall provide, within the month of May, in the year of our Lord one thousand eight hundred and thirty-seven, and in every tenth year thereafter, in the month of May, in manner aforesaid: and each town or city having three hundred ratable polls at the last preceding decennial census of polls, may elect one representative, and for every four hundred and fifty ratable polls, in addition to the first three hundred, one representative more.

Any town having less than three hundred ratable polls shall be represented thus: The whole number of ratable polls, at the last preceding decennial census of polls, shall be multiplied by ten, and the product divided by three hundred; and such town may elect one representative as many years within ten years, as three hundred is contained in the product aforesaid.

Any city or town having ratable polls enough to elect one or more representatives, with any number of polls beyond the necessary number, may be represented, as to that surplus number, by multiplying such surplus number by ten and dividing the product by four hundred and fifty; and such city or town may elect one additional representative as many years, within the ten years, as four hundred and fifty is contained in the product aforesaid.

Any two or more of the several towns and districts may, by consent of a majority of the legal voters present at a legal meeting in each of said towns and districts, respectively, called for that purpose, and held previous to the first day of July, in the year in which the decennial census of polls shall be taken, form themselves into a representative district, to continue until the next decennial census of polls, for the election of a representative or representatives; and such districts shall have all the rights, in

Census of ratable polls to be taken in 1837, and decennially thereafter.

Representatives, how apportioned. See amendments, Arts. XIII. and XXI.

Towns having less than 300 ratable polls, how represented.

Fractions, how represented.

Towns may unite into representative districts.

regard to representation, which would belong to a town containing the same number of ratable polls.

The governor and council to determine the number of representatives to which each town is entitled.

New apportionment to be made once in every ten years.

The governor and council shall ascertain and determine, within the months of July and August, in the year of our Lord one thousand eight hundred and thirty-seven, according to the foregoing principles, the number of representatives which each city, town and representative district is entitled to elect, and the number of years, within the period of ten years then next ensuing, that each city, town and representative district may elect an additional representative; and where any town has not a sufficient number of polls to elect a representative each year, then, how many years within the ten years, such town may elect a representative; and the same shall be done once in ten years thereafter, by the governor and council, and the number of ratable polls in each decennial census of polls shall determine the number of representatives which each city, town and representative district may elect as aforesaid; and when the number of representatives to be elected by each city, town or representative district is ascertained and determined as aforesaid, the governor shall cause the same to be published forthwith for the information of the people, and that number shall remain fixed and unalterable for the period of ten years.

Inconsistent provisions annulled.

All the provisions of the existing constitution inconsistent with the provisions herein contained, are hereby wholly annulled.]

Census of inhabitants to be taken in 1840, and decennially thereafter, for basis of representation. See amendments, Art. XXII. Senatorial districts declared permanent. See amendments, Art. XXII.

House of representatives, how apportioned. See amendments, Art. XXI.

Small towns, how represented.

Towns may unite into representative districts.

Basis of representation, and ratio of increase.

ART XIII. [A census of the inhabitants of each city and town, on the first day of May, shall be taken and returned into the secretary's office, on or before the last day of June, of the year one thousand eight hundred and forty, and of every tenth year thereafter; which census shall determine the apportionment of senators and representatives for the term of ten years.

The several senatorial districts now existing, shall be permanent. The senate shall consist of forty members; and in the year one thousand eight hundred and forty, and every tenth year thereafter, the governor and council shall assign the number of senators to be chosen in each district, according to the number of inhabitants in the same. But, in all cases, at least one senator shall be assigned to each district.

The members of the house of representatives shall be apportioned in the following manner: Every town or city containing twelve hundred inhabitants, may elect one representative; and two thousand four hundred inhabitants shall be the mean increasing number, which shall entitle it to an additional representative.

Every town containing less than twelve hundred inhabitants shall be entitled to elect a representative as many times, within ten years, as the number one hundred and sixty is contained in the number of the inhabitants of said town. Such towns may also elect one representative for the year in which the valuation of estates within the Commonwealth shall be settled.

Any two or more of the several towns may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns, respectively, called for that purpose, and held before the first day of August, in the year one thousand eight hundred and forty, and every tenth year thereafter, form themselves into a representative district, to continue for the term of ten years; and such districts shall have all the rights, in regard to representation, which would belong to a town containing the same number of inhabitants.

The number of inhabitants which shall entitle a town to elect one representative, and the mean increasing number, which shall entitle a town or city to elect more than one, and also the number by which the population of towns, not entitled to a representative every year, is to be divided,

shall be increased, respectively, by one-tenth of the numbers above mentioned, whenever the population of the Commonwealth shall have increased to seven hundred and seventy thousand, and for every additional increase of seventy thousand inhabitants, the same addition of one-tenth shall be made, respectively, to the said numbers above mentioned.

In the year of each decennial census, the governor and council shall, before the first day of September, apportion the number of representatives which each city, town and representative district is entitled to elect, and ascertain how many years, within ten years, any town may elect a representative, which is not entitled to elect one every year; and the governor shall cause the same to be published forthwith.

The governor and council to apportion the number of representatives of each town once in every ten years.

Nine councillors shall be annually chosen from among the people at large, on the first Wednesday of January, or as soon thereafter as may be, by the joint ballot of the senators and representatives, assembled in one room, who shall, as soon as may be, in like manner, fill up any vacancies that may happen in the council, by death, resignation or otherwise. No person shall be elected a councillor who has not been an inhabitant of this Commonwealth for the term of five years immediately preceding his election; and not more than one councillor shall be chosen from any one senatorial district in the Commonwealth.]

Councillors to be chosen from the people at large. See amendments, Art. XVI. Qualifications of councillors.

No possession of a freehold, or of any other estate, shall be required as a qualification for holding a seat in either branch of the general court, or in the executive council.

Freehold as a qualification not required.

ART. XIV. In all elections of civil officers by the people of this Commonwealth, whose election is provided for by the constitution, the person having the highest number of votes shall be deemed and declared to be elected.

Elections by the people to be by plurality of votes.

ART. XV. The meeting for the choice of governor, lieutenant-governor, senators and representatives, shall be held on the Tuesday next after the first Monday in November, annually; but in case of a failure to elect representatives on that day, a second meeting shall be holden, for that purpose, on the fourth Monday of the same month of November.

Time of annual election of governor and legislature.

ART. XVI. Eight councillors shall be annually chosen by the inhabitants of this Commonwealth, qualified to vote for governor. The election of councillors shall be determined by the same rule that is required in the election of governor. The legislature, at its first session after this amendment shall have been adopted, and at its first session after the next State census shall have been taken, and at its first session after each decennial State census thereafter, shall divide the Commonwealth into eight districts of contiguous territory, each containing a number of inhabitants as nearly equal as practicable, without dividing any town or ward of a city, and each entitled to elect one councillor: *provided, however*, that if, at any time, the constitution shall provide

Eight councillors to be chosen by the people.

Legislature to divide State.

for the division of the Commonwealth into forty senatorial districts, then the legislature shall so arrange the councillor districts, that each district shall consist of five contiguous senatorial districts, as they shall be, from time to time, established by the legislature. No person shall be eligible to the office of councillor who has not been an inhabitant of the Commonwealth for the term of five years immediately preceding his election. The day and manner of the election, the return of the votes, and the declaration of the said elections, shall be the same as are required in the election of governor. Whenever there shall be a failure to elect the full number of councillors, the vacancies shall be filled in the same manner as is required for filling vacancies in the senate; and vacancies occasioned by death, removal from the State, or otherwise, shall be filled in like manner, as soon as may be after such vacancies shall have happened. And that there may be no delay in the organization of the government on the first Wednesday of January, the governor, with at least five councillors for the time being, shall, as soon as may be, examine the returned copies of the records for the election of governor, lieutenant-governor, and councillors; and ten days before the said first Wednesday in January he shall issue his summons to such persons as appear to be chosen, to attend on that day to be qualified accordingly; and the secretary shall lay the returns before the senate and house of representatives on the said first Wednesday in January, to be by them examined; and in case of the election of either of said officers, the choice shall be by them declared and published; but in case there shall be no election of either of said officers, the legislature shall proceed to fill such vacancies in the manner provided in the constitution for the choice of such officers.

Eligibility defined.
Day and manner of election, &c.
Vacancies, how filled.
Organization of the government.

ART. XVII. The secretary, treasurer and receiver-general, auditor, and attorney-general, shall be chosen annually, on the day in November prescribed for the choice of governor; and each person then chosen as such, duly qualified in other respects, shall hold his office for the term of one year from the third Wednesday in January next thereafter, and until another is chosen and qualified in his stead. The qualification of the voters, the manner of the election, the return of the votes, and the declaration of the election, shall be such as are required in the election of governor. In case of a failure to elect either of said officers on the day in November aforesaid, or in case of the decease, in the mean time, of the person elected as such, such officer shall be

Election of secretary, treasurer, auditor and attorney-general by the people.
Vacancies, how filled.

chosen on or before the third Wednesday in January next thereafter, from the two persons who had the highest number of votes for said offices on the day in November aforesaid, by joint ballot of the senators and representatives, in one room; and in case the office of secretary, or treasurer and receiver-general, or auditor, or attorney-general, shall become vacant, from any cause, during an annual or special session of the general court, such vacancy shall in like manner be filled by choice from the people at large; but if such vacancy shall occur at any other time, it shall be supplied by the governor by appointment, with the advice and consent of the council. The person so chosen or appointed, duly qualified in other respects, shall hold his office until his successor is chosen and duly qualified in his stead. In case any person chosen or appointed to either of the offices aforesaid, shall neglect, for the space of ten days after he could otherwise enter upon his duties, to qualify himself in all respects to enter upon the discharge of such duties, the office to which he has been elected or appointed shall be deemed vacant. No person shall be eligible to either of said offices unless he shall have been an inhabitant of this Commonwealth five years next preceding his election or appointment.

To qualify within ten days, otherwise office to be deemed vacant.

Qualification requisite.

ART. XVIII. All moneys raised by taxation in the towns and cities for the support of public schools, and all moneys which may be appropriated by the State for the support of common schools, shall be applied to, and expended in, no other schools than those which are conducted according to law, under the order and superintendence of the authorities of the town or city in which the money is to be expended; and such moneys shall never be appropriated to any religious sect for the maintenance, exclusively, of its own school.

School moneys not to be applied for sectarian schools.

ART. XIX. The legislature shall prescribe, by general law, for the election of sheriffs, registers of probate, commissioners of insolvency, and clerks of the courts, by the people of the several counties, and that district-attorneys shall be chosen by the people of the several districts, for such term of office as the legislature shall prescribe.

Legislature to prescribe for the election of sheriffs, registers of probate, &c., by the people.

ART. XX. No person shall have the right to vote, or be eligible to office under the constitution of this Commonwealth, who shall not be able to read the constitution in the English language and write his name: *provided, however*, that the provisions of this amendment shall not apply to any

Reading constitution in English and writing, necessary qualifications of voters. *Proviso.*

person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any persons who shall be sixty years of age or upwards at the time this amendment shall take effect.

Census of legal voters and of inhabitants, when taken, &c.

See Gen. Stat., chapter 20.

ART. XXI. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the Commonwealth, on or before the last day of June, in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters; and in each city said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of representatives for the periods between the taking of the census.

House to consist of 240 members; representatives to be apportioned upon basis of legal voters.

The house of representatives shall consist of two hundred and forty members, which shall be apportioned by the legislature, at its first session after the return of each enumeration as aforesaid, to the several counties of the Commonwealth, equally, as nearly as may be, according to their relative numbers of legal voters, as ascertained by the next preceding special enumeration; and the town of Cohasset, in the county of Norfolk, shall, for this purpose, as well as in the formation of districts, as hereinafter provided, be considered a part of the county of Plymouth; and it shall be the duty of the secretary of the Commonwealth, to certify, as soon as may be after it is determined by the legislature, the number of representatives to which each county shall be entitled, to the board authorized to divide each county into representative districts. The mayor and aldermen of the city of Boston, the county commissioners of other counties than Suffolk, —or in lieu of the mayor and aldermen of the city of Boston, or of the county commissioners in each county other than Suffolk, such board of special commissioners in each county, to be elected by the people of the county, or of the towns therein, as may for that purpose be provided by law, shall, on the first Tuesday of August next after each assignment of representatives to each county, assemble at a shire town of their respective counties, and proceed as soon as may be, to divide the same into representative districts of contiguous territory, so as to apportion the representation assigned to each county equally, as nearly as may be, according to the relative number of legal voters in the several districts of

Secretary shall certify to officers authorized to divide counties.

Meeting for division to be first Tuesday in August.

Proceedings.

each county; and such districts shall be so formed that no town or ward of a city shall be divided therefor, nor shall any district be made which shall be entitled to elect more than three representatives. Every representative, for one year at least next preceding his election, shall have been an inhabitant of the district for which he is chosen, and shall cease to represent such district when he shall cease to be an inhabitant of the Commonwealth. The districts in each county shall be numbered by the board creating the same, and a description of each, with the numbers thereof and the number of legal voters therein, shall be returned by the board, to the secretary of the Commonwealth, the county treasurer of each county, and to the clerk of every town in each district, to be filed and kept in their respective offices. The manner of calling and conducting the meetings for the choice of representatives, and of ascertaining their election, shall be prescribed by law. Not less than one hundred members of the house of representatives shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.

Qualifications of representatives.

Districts to be numbered, described and certified.

One hundred members a quorum.

ART. XXII. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the Commonwealth, on or before the last day of June in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters, and in each city said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of senators for the periods between the taking of the census. The senate shall consist of forty members. The general court shall, at its first session after each next preceding special enumeration, divide the Commonwealth into forty districts of adjacent territory, each district to contain, as nearly as may be, an equal number of legal voters, according to the enumeration aforesaid: *provided, however*, that no town or ward of a city shall be divided therefor; and such districts shall be formed, as nearly as may be, without uniting two counties, or parts of two or more counties, into one district. Each district shall elect one senator, who shall have been an inhabitant of this Commonwealth five years at least immediately preceding his

Census of voters and inhabitants to be taken.

Voters to be basis of apportionment of senators.

Senate to consist of 40 members. Senatorial districts, &c.

Proviso.

Qualifications of senators.

Sixteen mem-
bers a quorum.

election, and at the time of his election shall be an inhabitant of the district for which he is chosen; and he shall cease to represent such senatorial district when he shall cease to be an inhabitant of the Commonwealth. Not less than sixteen senators shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.

Residence of
two years re-
quired of natu-
ralized citizen,
to entitle to
suffrage or
make eligible
to office.
See amend-
ment, Art.
XXVI.

[ART. XXIII. No person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this Commonwealth: provided, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and, provided, further, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom.]

Vacancies in
the senate.

ART. XXIV. Any vacancy in the senate shall be filled by election by the people of the unrepresented district, upon the order of a majority of the senators elected.

Vacancies in
the council.

ART. XXV. In case of a vacancy in the council, from a failure of election, or other cause, the senate and house of representatives shall, by concurrent vote, choose some eligible person from the people of the district wherein such vacancy occurs, to fill that office. If such vacancy shall happen when the legislature is not in session, the governor, with the advice and consent of the council, may fill the same by appointment of some eligible person.

Twenty-third
article of
amendments
annulled.

ART. XXVI. The twenty-third article of the articles of amendment of the constitution of this Commonwealth, which is as follows, to wit: "No person of foreign birth shall be entitled to vote, or shall be eligible to office unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this Commonwealth: *provided*, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and *provided*, *further*, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom," is hereby wholly annulled.

THE FRAMING AND POPULAR ADOPTION OF THE
CONSTITUTION.

The Constitution of Massachusetts was agreed upon by delegates of the people, in convention, begun and held at Cambridge, on the first day of September, 1779, and continued by adjournments to the second day of March, 1780, when the convention adjourned to meet on the first Wednesday of the ensuing June. In the meantime the constitution was submitted to the people, to be adopted by them, provided two-thirds of the votes given should be in the affirmative. When the convention assembled, it was found that the Constitution had been adopted by the requisite number of votes, and the convention accordingly *Resolved* "That the said Constitution or Frame of Government shall take place on the last Wednesday of October next; and not before, for any purpose, save only for that of making elections, agreeable to this resolution." The first legislature assembled at Boston, on the twenty-fifth day of October, 1780.

ARTICLES OF AMENDMENT.

The first nine Articles of Amendment were submitted, by delegates in convention assembled, November 15, 1820, to the people, and by them approved and ratified April 9, 1821.

The tenth Article was adopted by the legislatures of the political years 1829-30, and 1830-31, respectively, and was approved and ratified by the people, May 11, 1831.

The eleventh Article was adopted by the legislatures of the political years 1832 and 1833, and was approved by the people, November 11, 1833.

The twelfth Article was adopted by the legislatures of the political years 1835 and 1836, and was approved by the people, the fourteenth day of November, 1836.

The thirteenth Article was adopted by the legislatures of the political years 1839 and 1840, and was approved by the people, the sixth day of April, 1840.

The fourteenth, fifteenth, sixteenth, seventeenth, eighteenth and nineteenth Articles were adopted by the legislatures of the political years 1854 and 1855, and ratified by the people, the twenty-third day of May, 1855.

The twentieth, twenty-first and twenty-second Articles were adopted by the legislatures of the political years 1856 and 1857, and ratified by the people on the first day of May, 1857.

The twenty-third Article was adopted by the legislatures of the political years 1858 and 1859, and ratified by the people on the ninth day of May, 1859.

The twenty-fourth and twenty-fifth Articles were adopted by the legislatures of the political years 1859 and 1860, and ratified by the people on the seventh day of May, 1860.

The twenty-sixth Article was adopted by the legislatures of the political years 1862 and 1863, and ratified by the people on the sixth day of April, 1863.

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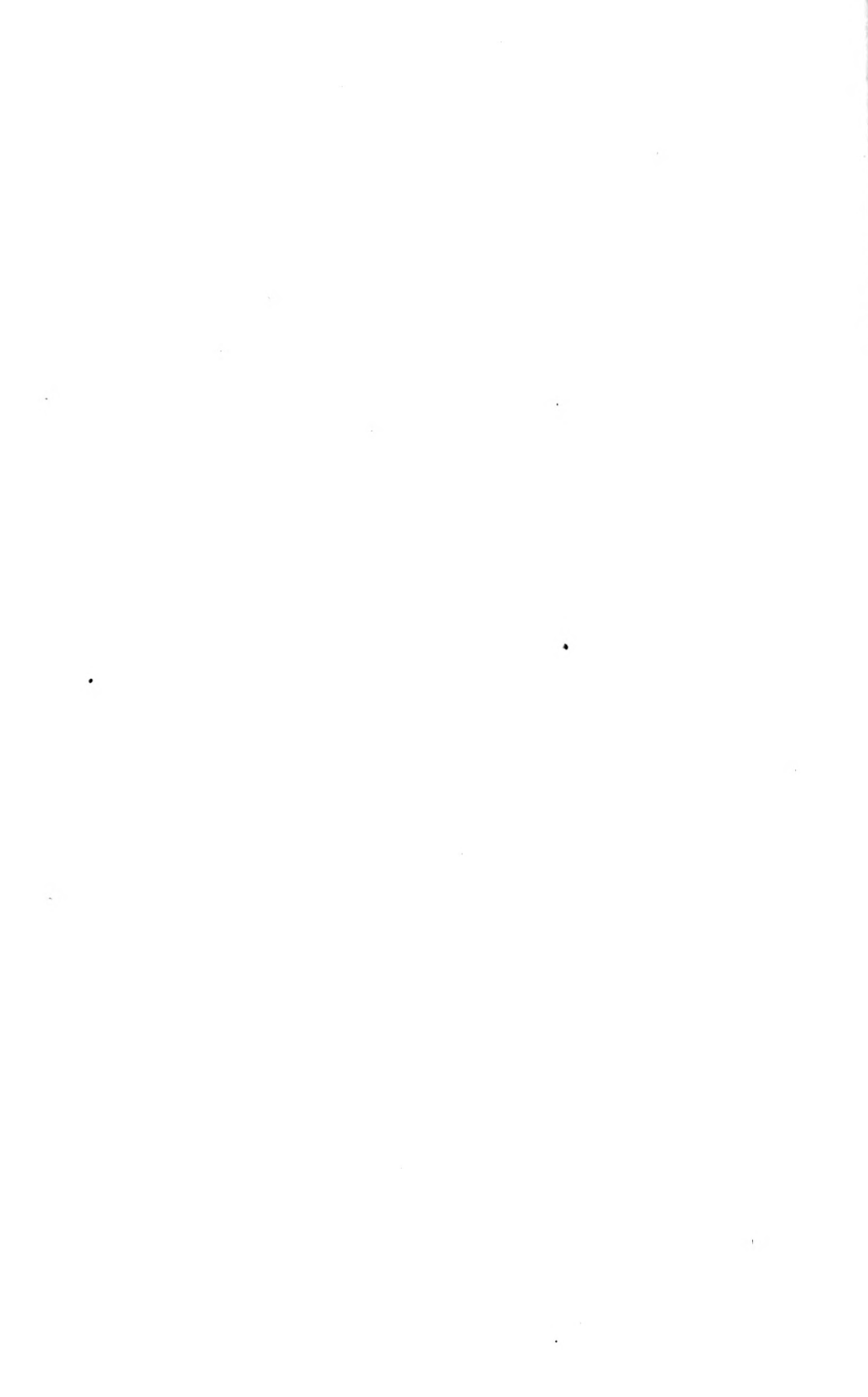
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General Statutes and Special Acts

OF

MASSACHUSETTS.

1871.

 The General Court of 1871 assembled on Wednesday, the fourth day of January. The oaths of office required by the Constitution to be administered to the Governor and Lieutenant-Governor elect, were taken and subscribed by His Excellency WILLIAM CLAFLIN and His Honor JOSEPH TUCKER, on Saturday, the seventh day of January, in the presence of the two Houses assembled in convention.

ACTS,

GENERAL AND SPECIAL.

AN ACT CONCERNING THE ELECTION OF MAYOR IN THE CITY OF WORCESTER. *Chap. 1.*

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The board of aldermen of the city of Worcester are hereby authorized to issue their warrant for the election of a mayor in place of James B. Blake, elected mayor at the last annual election held in said city, and since deceased ; and the mayor elected in pursuance of such warrant, having first been duly qualified, shall hold his office until the termination of the present municipal year of said city, and until another shall be chosen and qualified in his place.

Aldermen may issue warrant for election of mayor.

SECTION 2. Whenever the mayor elect of said city shall die before entering upon the discharge of his duties, it shall be the duty of the board of aldermen and of the common council of said city, respectively, by vote to declare that fact ; and the board of aldermen shall thereupon issue their warrant for a new election of mayor, to be held at such time as they shall deem advisable ; and the mayor chosen at such election shall hold his office for the term for which such deceased mayor was elected, and until another is chosen and qualified in his place.

If mayor dies before entering upon duties, aldermen to declare the fact and issue warrant for new election.

SECTION 3. This act shall take effect upon its passage.

Approved January 14, 1871.

AN ACT TO CHANGE THE NAME OF THE BOSTON MUSICAL HALL ASSOCIATION, AND FOR OTHER PURPOSES. *Chap. 2.*

Be it enacted, &c., as follows :

SECTION 1. The Boston Musical Hall Association shall be hereafter known as the Boston Music Hall Association.

Name changed to Boston Music Hall Association. Acts legalized.

SECTION 2. No act of the Boston Musical Hall Association shall be deemed invalid, by reason of its having been

done by said corporation, under the name of the Boston Music Hall Association.

\$50,000 additional real estate.

SECTION 3. Said corporation may purchase and hold real estate adjoining that which they now hold, to an amount not exceeding the sum of fifty thousand dollars.

When to take effect.

SECTION 4. This act shall take effect upon its passage.

Approved January 31, 1871.

Chap. 3. AN ACT MAKING APPROPRIATIONS AND PROVIDING FOR THE COMPENSATION AND MILEAGE OF MEMBERS OF THE LEGISLATURE, FOR THE COMPENSATION OF THE CHAPLAINS, DOORKEEPERS, MESSENGERS AND PAGES OF THE SENATE AND HOUSE OF REPRESENTATIVES, AND FOR OTHER LEGISLATIVE EXPENSES.

Be it enacted, §c., as follows :

Appropriations.

SECTION 1. The sums hereinafter mentioned in this section are appropriated, and shall be allowed and paid from the ordinary revenue, for the purposes specified, to wit :

Mileage of senators.

For the mileage of senators, a sum not exceeding four hundred dollars.

Compensation.

For the compensation of senators, a sum not exceeding twelve thousand dollars.

Mileage of representatives.

For the mileage of representatives, a sum not exceeding two thousand three hundred dollars.

Compensation.

For the compensation of representatives, a sum not exceeding seventy-two thousand dollars.

Chaplains of Senate and House.

For the salaries of the chaplains of the senate and house of representatives, a sum not exceeding four hundred dollars.

Preacher of election sermon.

For the compensation of the preacher of the election sermon, one hundred dollars.

Doorkeepers, messengers, &c.

For the compensation of the doorkeepers, messengers and pages of the senate and house of representatives, a sum not exceeding fifteen thousand dollars.

Fees and expenses of witnesses.

For fees and expenses of summoning witnesses before committees, and for the fees of such witnesses, a sum not exceeding one thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 2, 1871.

Chap. 4. AN ACT TO AMEND AN ACT CONCERNING REGISTERS OF DEEDS.

Be it enacted, §c., as follows :

Amendment of 1863, 200, § 1.

SECTION 1. Section one of chapter] two hundred of the acts of the year eighteen hundred and sixty-three, is hereby amended by inserting after the word " removed," the words " or his term of office expires."

SECTION 2. This act shall take effect upon its passage.

Approved February 6, 1871.

AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT DURING THE PRESENT YEAR. *Chap. 5.*

Be it enacted, &c., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December, in the year eighteen hundred and seventy-one, to wit:

Appropriations
for 1871.

SUPREME JUDICIAL COURT.

For the salary of the clerk of the supreme judicial court for the Commonwealth, three thousand dollars. *Clerk, G. S. 121, 5.*

For the salary of the assistant-clerk of said court, one thousand five hundred dollars. *Assistant-clerk.*

For the salary of the reporter of decisions of the supreme judicial court, three hundred dollars. *Reporter of decisions.*

For the expenses of said court, a sum not exceeding two thousand five hundred dollars. *Expenses of court.*

SUPERIOR COURT.

For the salary of the chief justice of the superior court, four thousand five hundred dollars. *Chief justice.*

For the salaries of the nine associate justices of said court, thirty-seven thousand eight hundred dollars. *Associate justices.*

COURTS OF PROBATE AND INSOLVENCY.

For the salary of the judge of probate and insolvency for the county of Suffolk, three thousand dollars. *Judge for Suffolk.*

For the salary of the judge of probate and insolvency for the county of Middlesex, two thousand five hundred dollars. *Middlesex.*

For the salary of the judge of probate and insolvency for the county of Worcester, two thousand five hundred dollars. *Worcester.*

For the salary of the judge of probate and insolvency for the county of Essex, two thousand five hundred dollars. *Essex.*

For the salary of the judge of probate and insolvency for the county of Norfolk, two thousand dollars. *Norfolk.*

For the salary of the judge of probate and insolvency for the county of Bristol, one thousand five hundred dollars. *Bristol.*

For the salary of the judge of probate and insolvency for the county of Plymouth, one thousand three hundred dollars. *Plymouth.*

For the salary of the judge of probate and insolvency for the county of Berkshire, twelve hundred dollars. *Berkshire.*

For the salary of the judge of probate and insolvency for the county of Hampden, one thousand three hundred dollars. *Hampden.*

Hampshire.	For the salary of the judge of probate and insolvency for the county of Hampshire, nine hundred dollars.
Franklin.	For the salary of the judge of probate and insolvency for the county of Franklin, nine hundred dollars.
Barnstable.	For the salary of the judge of probate and insolvency for the county of Barnstable, nine hundred dollars.
Nantucket.	For the salary of the judge of probate and insolvency for the county of Nantucket, five hundred dollars.
Dukes County.	For the salary of the judge of probate and insolvency for the county of Dukes county, five hundred dollars.
Register for Suffolk.	For the salary of the register of probate and insolvency for the county of Suffolk, three thousand dollars.
Middlesex.	For the salary of the register of probate and insolvency for the county of Middlesex, two thousand dollars.
Worcester.	For the salary of the register of probate and insolvency for the county of Worcester, two thousand dollars.
Essex.	For the salary of the register of probate and insolvency for the county of Essex, two thousand dollars.
Norfolk.	For the salary of the register of probate and insolvency for the county of Norfolk, one thousand five hundred dollars.
Bristol.	For the salary of the register of probate and insolvency for the county of Bristol, one thousand three hundred dollars.
Plymouth.	For the salary of the register of probate and insolvency for the county of Plymouth, one thousand two hundred dollars.
Hampden.	For the salary of the register of probate and insolvency for the county of Hampden, one thousand two hundred dollars.
Berkshire.	For the salary of the register of probate and insolvency for the county of Berkshire, one thousand two hundred dollars.
Hampshire.	For the salary of the register of probate and insolvency for the county of Hampshire, nine hundred dollars.
Franklin.	For the salary of the register of probate and insolvency for the county of Franklin, nine hundred dollars.
Barnstable.	For the salary of the register of probate and insolvency for the county of Barnstable, nine hundred dollars.
Nantucket.	For the salary of the register of probate and insolvency for the county of Nantucket, six hundred dollars.
Dukes County.	For the salary of the register of probate and insolvency for the county of Dukes county, six hundred dollars.
Assistant-register for Suffolk.	For the salary of the assistant-register of probate and insolvency for the county of Suffolk, one thousand five hundred dollars.

For the salary of the assistant-register of probate and insolvency for the county of Middlesex, one thousand five hundred dollars. Middlesex.

For the salary of the assistant-register of probate and insolvency for the county of Worcester, one thousand five hundred dollars. Worcester.

For the salary of the assistant-register of probate and insolvency for the county of Essex, one thousand five hundred dollars. Essex.

For the salary of the assistant-register of probate and insolvency for the county of Norfolk, eight hundred dollars. Norfolk.

For certain expenses of courts of insolvency authorized by the General Statutes, a sum not exceeding five hundred dollars. Expenses of courts, G. S. § 14.

DISTRICT-ATTORNEYS.

For the salary of the attorney for the Suffolk district, five thousand dollars; and for the salary of his clerk, one thousand dollars. Attorney and clerk for Suffolk. 1869, 373; 1870, 361.

For the salary of the assistant-attorney for the Suffolk district, two thousand one hundred dollars. Assistant-attorney for Suffolk. 1867, 349.

For the salary of the attorney for the eastern district, one thousand five hundred dollars. Attorney for eastern district. 1867, 349.

For the salary of the attorney for the northern district, one thousand five hundred dollars. Northern district.

For the salary of the attorney for the southern district, one thousand five hundred dollars. Southern district.

For the salary of the attorney for the middle district, one thousand five hundred dollars. Middle district.

For the salary of the attorney for the south-eastern district, one thousand five hundred dollars. South-eastern district.

For the salary of the attorney for the western district, one thousand five hundred dollars. Western district.

For the salary of the attorney for the north-western district, one thousand dollars. North-western district.

POLICE COURTS.

For the salary of the justice of the police court in Cambridge, one thousand eight hundred dollars. Justice in Cambridge. 1869, 359.

For the salary of the justice of the police court in Charlestown, one thousand two hundred dollars. Charlestown.

For the salary of the justice of the police court in Chelsea, one thousand six hundred dollars. Chelsea.

For the salary of the justice of the police court in Chicopee, one thousand six hundred dollars. Chicopee.

Fall River.	For the salary of the justice of the police court in Fall River, one thousand two hundred dollars.
Gloucester.	For the salary of the justice of the police court in Gloucester, one thousand six hundred dollars.
Haverhill.	For the salary of the justice of the police court in Haverhill, one thousand two hundred dollars.
Lawrence.	For the salary of the justice of the police court in Lawrence, one thousand eight hundred dollars.
Lee. 1861, 141.	For the salary of the justice of the police court in Lee, five hundred dollars.
Lynn. 1869, 359.	For the salary of the justice of the police court in Lynn, one thousand two hundred dollars.
Lowell. G. S. 116.	For the salary of the justice of the police court in Lowell, two thousand two hundred dollars.
Fitchburg. 1868, 124.	For the salary of the justice of the police court in Fitchburg, one thousand three hundred dollars.
Milford. 1869, 359.	For the salary of the justice of the police court in Milford, one thousand six hundred dollars.
New Bedford. G. S. 116.	For the salary of the justice of the police court in New Bedford, one thousand five hundred dollars.
Newburyport. 1869, 359.	For the salary of the justice of the police court in Newburyport, one thousand dollars.
Salem.	For the salary of the justice of the police court in Salem, one thousand eight hundred dollars.
Springfield. 1868, 330.	For the salary of the justice of the police court in Springfield, two thousand dollars.
Williamstown. G. S. 116.	For the salary of the justice of the police court in Williamstown, three hundred dollars.
Salaries of clerks. G. S. 116.	For the salaries of the clerks of the police courts, exclusive of clerks elected under chapter one hundred and sixteen of the General Statutes, to wit:
Cambridge. 1869, 359.	For the salary of the clerk of the police court in Cambridge, one thousand dollars.
Charlestown.	For the salary of the clerk of the police court in Charlestown, eight hundred dollars.
Fall River.	For the salary of the clerk of the police court in Fall River, eight hundred dollars.
Haverhill. 1867, 316.	For the salary of the clerk of the police court in Haverhill, six hundred dollars.
Lawrence. 1869, 359.	For the salary of the clerk of the police court in Lawrence, one thousand dollars.
Lowell. G. S. 116.	For the salary of the clerk of the police court in Lowell, one thousand dollars.
Lynn. 1869, 359.	For the salary of the clerk of the police court in Lynn, eight hundred dollars.

For the salary of the clerk of the police court in New Bedford, eight hundred dollars. New Bedford. G. S. 116.

For the salary of the clerk of the police court in Newburyport, six hundred dollars. Newburyport. 1869, 359.

For the salary of the clerk of the police court in Salem, one thousand dollars. Salem.

MUNICIPAL COURTS.

For the salaries of the justices of the municipal court in Boston, nine thousand dollars. Justices in Boston. 1866, 279.

For the salary of the clerk of the municipal court in Boston, for criminal business, two thousand five hundred dollars. Clerk for criminal business.

For the salary of the justice of the municipal court for the southern district of Boston, one thousand eight hundred dollars. Justice for southern district of Boston. 1869, 359.

For the salary of the clerk of the municipal court for the southern district of Boston, one thousand dollars. Clerk.

For the salary of the justice of the municipal court of the Dorchester district in Boston, one thousand two hundred dollars. Justice of Dorchester district. 1870, 333.

For the salary of the justice of the municipal court in Taunton, one thousand two hundred dollars. Justice in Taunton. 1869, 359.

For the salary of the clerk of the municipal court in Taunton, eight hundred dollars. Clerk in Taunton. 1869, 359.

For the salary of the justice of the municipal court in Worcester, two thousand dollars. Justice in Worcester. 1868, 198.

For the salary of the clerk of the municipal court in Worcester, one thousand two hundred dollars. Clerk in Worcester.

DISTRICT COURTS.

For the salary of the justice of the district court for central Berkshire, one thousand six hundred dollars. Justice for central Berkshire. 1869, 416.

For the salary of the clerk of the district court for central Berkshire, six hundred dollars. Clerk.

For the salary of the justice of the district court for northern Berkshire, one thousand two hundred dollars. Justice for northern Berkshire. 1870, 201.

For the salary of the clerk of the district court for northern Berkshire, four hundred dollars. Clerk.

For the salary of the justice of the district court for southern Berkshire, one thousand two hundred dollars. Justice for southern Berkshire. 1870, 202.

SECTION 2. This act shall take effect upon its passage.

Approved February 6, 1871.

Chap. 6. AN ACT CONCERNING THE TRANSPORTATION OF NITRO-GLYCERINE AND SIMILAR EXPLOSIVES.

Be it enacted, &c., as follows :

Explosive substances to be packed in metallic vessels, and marked "explosive—dangerous."

SECTION 1. Nitro-glycerine, glynnoin oil, nitroleum or blasting oil, nitrated oil, other similar explosive substances, and all compounds of the same, when intended for sale or transportation, shall be securely packed in metallic vessels, and surrounded by some material that is non-explosive when mixed or saturated with the same, and the outside of the vessel or package containing the same shall be legibly and conspicuously marked with the name of the article and the words "explosive—dangerous."

— not to be delivered for transportation, unless so packed and marked.

SECTION 2. No person shall deliver to a common carrier for transportation any substance mentioned or described in the preceding section, unless the same is packed and marked in the manner therein provided, and notice of the dangerous nature thereof is expressly given.

— not to be transported upon vehicles, &c., used for passengers.

SECTION 3. No common carrier shall transport any of said substances upon a vessel or vehicle used for the transportation of passengers, or upon a railroad passenger or mixed train. A common carrier may decline to receive or transport any such substance in any manner whatever.

— transportation may be refused.

Penalties for violation of act.

SECTION 4. Whoever knowingly violates or knowingly causes or permits the violation of any of the provisions of this act, shall be punished by a fine of not less than five hundred nor more than five thousand dollars, or by imprisonment in the state prison not exceeding five years.

If death is caused by explosion, person violating provisions to be guilty of manslaughter.

SECTION 5. If the death of a person is caused by the explosion of any of the substances aforesaid while in the charge of a common carrier, whoever has knowingly violated or knowingly caused or permitted the violation of any of the provisions of this act in relation to the substance so exploding, shall be deemed guilty of manslaughter.

Approved February 7, 1871.

Chap. 7. AN ACT REQUIRING RAILROAD TRAINS TO BE EQUIPPED WITH TOOLS.

Be it enacted, &c., as follows :

Railroad trains to be equipped with jack-screws, &c.

SECTION 1. Railroad corporations shall equip each of their trains with two guide-plates, two jack-screws, two crow-bars, one pinch bar, one claw-bar, one spike hammer, two sharp axes, ropes or chains suitable for hauling cars, and such other tools and appliances for use in case of accident as the board of railroad commissioners directs.

Penalty.

SECTION 2. A railroad corporation shall forfeit the sum of five hundred dollars for each violation of this act.

SECTION 3. Chapter three hundred and seventy-two of the acts of the year eighteen hundred and seventy is hereby repealed. Repeal.
Approved February 7, 1871.

AN ACT TO AUTHORIZE THE PLYMOUTH COUNTY AGRICULTURAL SOCIETY TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE. Chap. 8.

Be it enacted, &c., as follows :

SECTION 1. The Plymouth County Agricultural Society is hereby authorized to hold by gift, grant, devise or otherwise, real and personal estate to an amount not exceeding sixty thousand dollars. \$60,000 in real and personal estate.

SECTION 2. This act shall take effect upon its passage.

Approved February 7, 1871.

AN ACT TO INCORPORATE THE CAMBRIDGE ATHENÆUM.

Chap. 9.

Be it enacted, &c., as follows :

SECTION 1. Isaac Livermore, Daniel U. Chamberlin, George P. Carter, Curtis Davis, Robert Torrey, Jr., their associates and successors, are hereby made a corporation by the name of the Cambridge Athenæum, for the purpose of erecting and maintaining a building in the city of Cambridge to be used for lectures, public meetings, and for other lawful purposes ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all the general laws which now are, or hereafter may be in force, so far as applicable to such corporations. Corporators.
Name and purpose.
Powers and duties.

SECTION 2. Said corporation shall have a capital stock not exceeding one hundred thousand dollars, divided into shares of one hundred dollars each ; and may hold for the purpose aforesaid real and personal estate not exceeding the amount of capital stock. Said corporation shall incur no liability until thirty thousand dollars of its capital stock has been actually paid in in cash. Capital stock and shares.
Approved February 7, 1871.

AN ACT TO INCORPORATE THE EASTERN YACHT CLUB.

Chap. 10.

Be it enacted, &c., as follows :

SECTION 1. John Heard, F. Gordon Dexter, Addison Child, their associates and successors, are hereby made a corporation by the name of the Eastern Yacht Club, having its office in the city of Boston, for the purpose of encouraging yacht building and naval architecture, and the cultivation of nautical science ; with all the privileges, and subject to all the duties, restrictions and liabilities set forth in the general laws which are or may be in force, applicable to such corporations. Corporators.
Name and purpose.

SECTION 2. Said corporation may hold real estate to an amount not exceeding in value twenty-five thousand dollars, Real and personal estate.

Library. and personal estate to an amount not exceeding twenty-five thousand dollars, exclusive of their library and museum of models, and inventions in nautical science.

SECTION 3. This act shall take effect upon its passage.

Approved February 7, 1871.

Chap. 11. AN ACT TO INCORPORATE THE PROPRIETORS OF ODD FELLOWS HALL IN THE CITY OF LOWELL.

Be it enacted, &c., as follows:

Corporators. SECTION 1. Josiah G. Peabody, Ambrose Lawrence, Joseph L. Sargent, William H. Wiggin and Albert B. Plimpton, their associates and successors, are hereby made a corporation by the name of the Proprietors of Odd Fellows Hall in the city of Lowell, for the purpose of erecting or purchasing a building in the city of Lowell, and maintaining the same for the accommodation and purposes of an Odd Fellows Hall, and any other lawful purpose; with all the power and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws of this Commonwealth, which now are or may hereafter be in force, applicable to such corporations.

Capital stock and shares. SECTION 2. The capital stock of said corporation shall not exceed one hundred thousand dollars, divided into shares of one hundred dollars each, and said corporation may hold for the purposes aforesaid, real and personal estate not exceeding the amount of the capital stock: *provided*, that said corporation shall incur no liability until thirty thousand dollars of its capital stock has been paid in in cash.

SECTION 3. This act shall take effect upon its passage.

Approved February 7, 1871.

Chap. 12. AN ACT TO INCORPORATE THE NEW ENGLAND SHOE AND LEATHER ASSOCIATION.

Be it enacted, &c., as follows:

Corporators. SECTION 1. William B. Spooner, of Boston, J. Henry Walker, of Worcester, Moses How, of Haverhill, Lyman B. Frazier, of Lynn, their associates and successors, are hereby made a corporation by the name of the New England Shoe and Leather Association, for the purpose of promoting the general welfare of the hide and leather, and boot and shoe interests of New England; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force concerning such corporations: *provided*, that nothing in this act contained shall be construed to author-

ize said corporation to traffic in goods, wares or merchandise of any description.

SECTION 2. Said corporation may hold real and personal estate to an amount not exceeding fifty thousand dollars, to be devoted exclusively to the purposes of said corporation.

SECTION 3. This act shall take effect upon its passage.

Approved February 7, 1871.

AN ACT TO INCORPORATE THE STAFFORD MILLS IN THE CITY OF FALL RIVER.

Chap. 13.

Be it enacted, &c., as follows :

SECTION 1. Charles P. Stickney, Samuel Hathaway, Foster H. Stafford, their associates and successors, are hereby made a corporation by the name of the Stafford Mills, for the purpose of manufacturing cotton and woolen cloths, or any fabric wholly or in part of wool, cotton, silk, flax, hemp or jute, in the city of Fall River ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force relating to manufacturing corporations.

SECTION 2. Said corporation may hold for the purposes aforesaid, real estate necessary and convenient for its business, to an amount not exceeding four hundred thousand dollars, and the whole capital stock shall not exceed eight hundred thousand dollars, divided into shares of one hundred dollars each : *provided, however*, that said corporation shall not go into operation until five hundred and fifty thousand dollars of its capital stock has been paid in in cash.

SECTION 3. This act shall take effect upon its passage.

Approved February 7, 1871.

AN ACT TO AUTHORIZE THE SOMERSET CO-OPERATIVE FOUNDRY COMPANY TO EXTEND THEIR WHARF IN SOMERSET.

Chap. 14.

Be it enacted, &c., as follows :

SECTION 1. License is hereby granted to the Somerset Co-operative Foundry Company to extend their wharf in Somerset, from the present outer line of the same on Taunton River, easterly one hundred feet toward the channel of said river, and not exceeding one hundred feet in width, subject to the provisions of section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six, and chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine ; with the right to lay vessels at the end and sides of said wharf, and to receive wharfage and dockage therefor.

SECTION 2. This act shall take effect upon its passage.

Approved February 7, 1871.

Chap. 15. AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT DURING THE PRESENT YEAR.
Be it enacted, &c., as follows :

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, unless otherwise ordered, for the purposes specified, to meet the current expenses of the year ending on the thirty-first day of December, in the year eighteen hundred and seventy-one, to wit :

LEGISLATIVE DEPARTMENT.

Clerks of the Senate and House.
 1867, 305.
 Sergeant-at-arms.

For the salaries of the clerks of the senate and house of representatives, five thousand dollars.

For the salary of the sergeant-at-arms, two thousand five hundred dollars.

Engineer, watchmen and firemen.
 1867, 167; 1868, 341.

For the compensation of an engineer and such watchmen and firemen as may be employed in the state house, a sum not exceeding nine thousand two hundred dollars.

EXECUTIVE DEPARTMENT.

Lt.-governor and council.
 G. S. 14, § 2.

For the mileage and compensation of the lieutenant-governor and council, a sum not exceeding fifteen thousand dollars.

Private secretary.
 1866, 298, 4.
 Messenger.
 1869, 466.

For the compensation of the private secretary of the governor, two thousand dollars.

For the compensation of the messenger of the governor and council, one thousand two hundred dollars.

Assistant-messenger.
 1867, 167.

For the compensation of the assistant-messenger of the governor and council, eight hundred dollars.

Department expenses.

For expenses of the executive department, as authorized by chapter two hundred and fifty of the acts of the year eighteen hundred and seventy, five thousand dollars.

SECRETARY'S DEPARTMENT.

Secretary of the Commonwealth.
 1870, 380.
 First clerk.
 1866, 298.

For the salary of the secretary of the Commonwealth, three thousand five hundred dollars.

For the salary of the first clerk in the secretary's department, two thousand dollars.

Second clerk.

For the salary of the second clerk in the secretary's department, one thousand seven hundred dollars.

Messenger.
 1869, 466.

For the salary of the messenger in the secretary's department, one thousand two hundred dollars.

Additional clerical assistance.
 G. S. 14, § 4;
 1867, 167.

For such additional clerical assistance as the secretary may find necessary for the performance of the duties of the department, a sum not exceeding sixteen thousand dollars.

TREASURER'S DEPARTMENT.

For the salary of the treasurer and receiver-general, three thousand five hundred dollars.

For the salary of the first clerk in the treasurer's department, two thousand five hundred dollars.

For the salary of the cashier in the treasurer's department, two thousand dollars.

For the salary of the first assistant-clerk in the treasurer's department, one thousand seven hundred dollars.

For such additional clerical assistance as the treasurer may find necessary, a sum not exceeding three thousand three hundred dollars.

Treasurer and receiver-general.

1866, 298.
First clerk.
1869, 454.

Cashier.
1870, 319.

First assistant-clerk.
1866, 298.

Additional clerical assistance.
G. S. 15, § 12;
1867, 167.

TAX COMMISSIONER'S BUREAU.

For the salary of the deputy tax commissioner and of the commissioner of corporations, two thousand five hundred dollars.

For the salary of the first clerk of the tax commissioner, one thousand seven hundred dollars.

For the salary of the second clerk of the tax commissioner, one thousand five hundred dollars.

For such additional clerical assistance as the tax commissioner may find necessary, a sum not exceeding nine thousand dollars.

Deputy tax commissioner and commissioner of corporations.

1866, 298; 1870, 224.

First clerk.
1867, 167.

Second clerk.
1867, 167.

Additional clerical assistance.
1865, 283, § 12.

AUDITOR'S DEPARTMENT.

For the salary of the auditor of accounts, three thousand five hundred dollars.

For the salary of the first clerk in the auditor's department, two thousand two hundred dollars.

For the salary of the second clerk in the auditor's department, one thousand seven hundred dollars.

For such additional clerical assistance as the auditor may find necessary, a sum not exceeding three thousand dollars.

Auditor of accounts.
1870, 380.

First clerk.
1867, 178.

Second clerk.

Additional clerical assistance.

ATTORNEY-GENERAL'S DEPARTMENT.

For the salary of the attorney-general, three thousand five hundred dollars.

For the salary of the assistant attorney-general, one thousand eight hundred dollars.

Attorney-general.
1866, 298.

Assistant-attorney-general.
1868, 93.

COMMISSIONERS, ET ALS.

For the salary of the commissioner of savings banks, three thousand three hundred dollars.

Savings banks commissioner.
1870, 244.

Insurance commissioner.
1866, 255.

For the salary of the insurance commissioner, two thousand dollars.

Clerk.
1869, 434.

For the salary of the clerk of the insurance commissioner, two thousand dollars.

Fees for valuation of life policies, how appropriated.

The fees received as compensation for the valuation of life policies are hereby appropriated, to be applied in accordance with the provisions of chapter four hundred and thirty-four of the acts of the year eighteen hundred and sixty-nine.

Constable of the Commonwealth.
State police.
1865, 249; 1867, 349.

For the salary of the constable of the Commonwealth, three thousand dollars; and for the compensation, traveling expenses, clerical, incidental and contingent expenses of the state police, a sum not exceeding one hundred and two thousand five hundred and fifty dollars.

Inspector of gasmeters.
1861, 168, § 2.

For the salary and office expenses of the inspector of gasmeters, three thousand dollars.

Railroad commissioners.
1869, 408, § 8.

For the salaries of the railroad commissioners, twelve thousand dollars.

Clerk.
1869, 408, § 7.

For the salary of the clerk of the railroad commissioners, two thousand dollars.

Liquor commissioner.
1869, 415, § 7.

For the salary of the commissioner for the purchase and sale of spirituous and intoxicating liquors, four thousand dollars.

Assayer and inspector.
1869, 415, § 25.

For the salary of the assayer and inspector of liquors, three thousand dollars.

Secretary of board of health.
1869, 420.

For the salary of the secretary of the state board of health, two thousand five hundred dollars.

Bureau of statistics of labor.
Res. 1869, 102.

For the salary of the chief of the bureau of statistics on the subject of labor, two thousand five hundred dollars; and for the salary of his deputy, two thousand dollars.

Secretary of prison commissioners.
1870, 370.
Commissioners on Charles River and Warren Bridges.

For the salary of the secretary of the board of prison commissioners, two thousand dollars.

For the compensation of the commissioners on Charles River and Warren Bridges, the sum of thirty-three hundred dollars, as awarded by the supreme judicial court.

AGRICULTURAL DEPARTMENT.

Secretary of the board of agriculture.
1867, 167.
Clerk.
1869, 96.

For the salary of the secretary of the board of agriculture, two thousand five hundred dollars.

For the salary of the clerk of the secretary of the board of agriculture, one thousand one hundred dollars.

Clerical services and lectures.
1869, 96.

For the compensation of other clerical services in the office of the secretary of the board of agriculture, and for lectures before the board of agriculture, a sum not exceeding four hundred dollars.

BOARD OF STATE CHARITIES.

For the salary of the secretary of the board of state charities, three thousand dollars.

For such clerical assistance as the secretary of the board of state charities may find necessary, a sum not exceeding six thousand two hundred dollars.

For the salary of the general agent of the board of state charities, three thousand dollars.

For such clerical and other assistance as the general agent of the board of state charities may find necessary, a sum not exceeding thirteen thousand dollars.

For the salary of the visiting agent of the board of state charities, the sum of two thousand five hundred dollars; and for such clerical and other assistance as he may find necessary, a sum not exceeding eight thousand four hundred dollars.

For the transportation of state paupers, to be expended by the agent of the board of state charities, a sum not exceeding thirteen thousand dollars; and any additional assistance necessary to effect such transportation shall be paid out of said sum: *provided*, a detailed report of such expenditures shall be rendered to the auditor of accounts on the first day of every month.

Secretary of board.
1869, 453, § 7.

Clerical assistance.
1863, 240, § 7.

General agent.
1866, 298.

Clerical and other assistance.
1863, 240, § 7.

Visiting agent, clerical assistance.
1869, 453.

Transportation of state paupers, etc.
1863, 240, § 2.

EDUCATIONAL DEPARTMENT.

For the salary and expenses of the secretary of the board of education, three thousand four hundred dollars, to be paid from the moiety of the income of the Massachusetts school fund applicable to educational purposes.

For the salary and expenses of such agent or agents as the board of education may appoint, a sum not exceeding three thousand two hundred dollars, to be paid from the moiety of the income of the Massachusetts school fund applicable to educational purposes.

For the salary of the assistant librarian and clerk of the board of education, two thousand dollars.

For such additional clerical assistance in the state library as may be found necessary, a sum not exceeding one thousand five hundred dollars.

Secretary of the board of education.
1867, 276.

Salaries and expenses of agents.
G. S. 34.

Assistant librarian and clerk of board.
1866, 298.
Additional clerical assistance.
G. S. 5; Res.
1861, 33; 1866, 28; 1867, 22;
1869, 68.

MILITARY DEPARTMENT.

For the salary of the adjutant-general, two thousand five hundred dollars.

For the salary of the first clerk of the adjutant-general, two thousand dollars.

Adjutant-general.
1866, 298.
First clerk.

Additional clerical assistance.
1866, 299; 1867, 167.

For such additional clerical assistance as the adjutant-general may find necessary, a sum not exceeding five thousand dollars.

Surgeon-general.

1861, 219, § 15;

1866, 298, 299.

Clerical assistance.

1861, 219, § 15;

1866, 298, 299.

Messenger.

1866, 298, 299.

Bounty records.

1863, 251, § 5;

1866, 298, 299.

Superintendent of arsenal.

1870, 298.

Employes at arsenal.

1866, 298, 299.

For the salary of the surgeon-general, a sum not exceeding two thousand five hundred dollars.

For such clerical assistance as the surgeon-general may find necessary, a sum not exceeding three thousand five hundred dollars.

For the compensation of a messenger in the surgeon-general's bureau, a sum not exceeding one thousand dollars.

For the completion of the bounty records of the Commonwealth, under the direction of the governor, a sum not exceeding two thousand dollars.

For the salary of the superintendent of the state arsenal at Cambridge, a sum not exceeding one thousand dollars.

For the compensation of the employes at the state arsenal at Cambridge, a sum not exceeding two thousand seven hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1871.

Chap. 16. AN ACT FOR SUPPLYING THE TOWN OF NORTHAMPTON WITH PURE WATER.

Be it enacted, &c., as follows :

Northampton may supply itself with pure water and fix and collect rents for use of same.

SECTION 1. The town of Northampton is hereby authorized to supply itself and its inhabitants with pure water to extinguish fires, generate steam, and for domestic and other uses; and may establish public fountains and hydrants, and regulate their use; and may discontinue the same, and may fix and collect rents for the use of such water.

May take water from Roberts Meadow Brook.

SECTION 2. Said town, for the purposes aforesaid, may take and hold the waters of Roberts Meadow Brook, in said town, at or near the place where the new highway from the village of Leeds to Roberts Meadow crosses said brook; and may also take and hold all necessary land for raising, holding and preserving such water and conveying the same to any and all parts of said town, and may erect thereon proper dams, buildings, fixtures and other structures, and make excavations and procure and run machinery therefor, and for that purpose may construct and lay down conduits, pipes and drains under or over any water-course or railroad, and along any street, highway, railroad or other way, in such manner as not to obstruct the same; and for the purpose of constructing, laying down, maintaining and repairing such conduits, pipes and drains, and for all other proper purposes of this act, may dig up any such street, highway or other

May take and hold land.

May dig up highways.

way ; but all things done upon any street, highway or other way shall be subject to the direction of the selectmen of said town ; and all things done upon any railroad shall be subject to the direction of the county commissioners for the county of Hampshire : *provided*, that within sixty days after the time of taking any land, or water sources as aforesaid, said town shall file in the registry of deeds for the county of Hampshire a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same is taken.

SECTION 3. Said town shall be liable to pay all damages sustained by any persons in their property by the taking of any lands, water, water sources or water rights, or by the construction of any aqueducts, reservoirs or other works for the purposes aforesaid. If any person sustaining damages as aforesaid cannot agree with the town upon the amount of such damages, he may have them assessed by the county commissioners for the county of Hampshire, by making a written application therefor within one year after sustaining such damages ; and either party aggrieved by the doings of said commissioners in the estimation of said damages, may have the same settled by a jury ; and the said commissioners and jury shall have the same powers, and the proceedings shall in all respects be conducted in the same manner as provided in case of taking land for highways.

SECTION 4. For the purpose of paying all necessary expenses and liabilities incurred under the provisions of this act, said town may issue bonds, signed by the treasurer, to be denominated "Northampton Water Bonds," to an amount not exceeding two hundred thousand dollars, payable at periods not exceeding twenty years from the date thereof, with interest payable semi-annually, at a rate not exceeding seven per centum per annum ; and said town may sell said bonds at public or private sale upon such terms and conditions as it may deem proper, and may raise money by taxation to pay said bonds and interest thereon when due ; but said town shall not raise more than ten thousand dollars in any one year to pay the principal of said bonds, except the year on which the same may become due.

SECTION 5. The rights, powers and privileges hereby granted may be exercised by such officers, agents and servants as such town shall elect or employ, who shall act in accordance with the votes of said town.

SECTION 6. Any person who shall maliciously divert the water, or any part thereof, taken and used under the provisions of this act, or who shall maliciously corrupt the

Liability for damages.

Northampton Water Bonds not exceeding \$200,000 may be issued.

May raise money by taxation to pay bonds and interest.

Powers, etc., may be exercised by agents appointed by town.

Penalty for maliciously diverting the water or corrupting the same.

same or render it impure, or who shall maliciously destroy or injure any dam, aqueduct, pipe or hydrant, or other property, real or personal, held, owned or used by said town for the purposes of this act, shall pay three times the actual damage to said town, to be recovered by an action of tort. Any such person, on conviction of either of the malicious acts aforesaid, shall be punished by fine not exceeding one hundred dollars, and imprisonment not exceeding six months.

SECTION 7. This act shall take effect upon its passage.

Approved February 11, 1871.

Chap. 17.

AN ACT TO INCORPORATE THE CAMBRIDGE HOSPITAL.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Isaac Livermore, Sumner R. Mason, W. W. Wellington, Kinsley Twining, Benjamin Tilton, Alexander McKenzie, Henry P. Walcott, their associates and successors,

Name and purpose.

are hereby made a corporation by the name of the Cambridge Hospital, for the purpose of maintaining a hospital in the city of Cambridge, for sick and disabled persons ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the general laws which now are or may hereafter be in force relating to such corporations ; and for the purpose aforesaid, said corporation may hold real and personal property to an amount not exceeding one hundred and fifty thousand dollars.

Powers and duties.

Real and personal estate.

SECTION 2. This act shall take effect upon its passage.

Approved February 13, 1871.

Chap. 18.

AN ACT TO INCORPORATE THE BOSTON TURNVEREIN.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Charles N. Does, Caspar Englert, Werner Strecker, their associates and successors, are hereby made a corporation by the name of the Boston Turnverein, for the purpose of promoting intellectual and physical culture ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be applicable to such corporations.

Name and purpose.

Powers and duties.

Real and personal estate.

SECTION 2. Said corporation may, for the purposes aforesaid, hold real and personal estate to an amount not exceeding thirty thousand dollars.

SECTION 3. This act shall take effect upon its passage.

Approved February 13, 1871.

Chap. 19.

AN ACT TO INCORPORATE THE BERKELEY HOUSE COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Charles Allen, John R. Hall, Ambrose Eastman, their associates and successors, are hereby made a cor-

poration by the name of the Berkeley House Company, for the purpose of owning and maintaining the family hotel called "The Berkeley," situated on the corner of Berkeley and Boylston streets, in the city of Boston; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws, which now are, or may hereafter be in force, applicable to such corporations.

Name and purpose.

Powers and duties.

SECTION 2. The capital stock of said corporation shall be one hundred thousand dollars, divided into shares of one hundred dollars each, with liberty to increase the same, by vote of the corporation, to any amount not exceeding three hundred thousand dollars.

Capital stock and shares.

SECTION 3. This act shall take effect upon its passage.

Approved February 13, 1871.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE CARY IMPROVEMENT COMPANY.

Chap. 20.

Be it enacted, &c., as follows :

SECTION 1. The Cary Improvement Company, a corporation established in this Commonwealth, is authorized to manufacture bricks, and all other articles made from clay, on any land said corporation now holds, and to lease said land, or any part thereof, to any person or corporation to be used for the manufacture of bricks and other articles aforesaid. Said corporation shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the general laws which now are or may hereafter be in force relating to manufacturing corporations.

May manufacture bricks, etc., and lease land to be used for same purposes.

Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved February 13, 1871.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF FIREWARDS.

Chap. 21.

Be it enacted, &c., as follows :

SECTION 1. The selectmen of any town may annually, in March or April, appoint such number of suitable persons to be firewards, as they deem necessary; and each person so appointed shall forthwith have notice thereof, and within seven days after such notice shall enter his acceptance or refusal of the office with the town clerk. Whoever after such notice neglects so to enter his acceptance or refusal shall, unless excused by said selectmen, forfeit ten dollars.

Selectmen may appoint firewards, — to notify persons appointed.

Penalty.

SECTION 2. Sections one and two of chapter twenty-four of the General Statutes are hereby repealed.

Repeal.

Approved February 13, 1871.

Chap. 22. AN ACT MAKING APPROPRIATIONS FOR EXPENSES OF THE STATE ALMSHOUSES; THE STATE PRISON; THE REFORM SCHOOL AT WESTBOROUGH; THE MASSACHUSETTS NAUTICAL SCHOOL; THE INDUSTRIAL SCHOOL FOR GIRLS, AND FOR OTHER PURPOSES

Be it enacted, &c., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, unless otherwise specified, for the purpose of meeting the current expenses of the institutions hereinafter named, and for other purposes, during the year ending December thirty-first, in the year eighteen hundred and seventy-one, to wit:

CHARITABLE.

State almshouse, Tewksbury.
G. S. 71.
Monson.
G. S. 71; 1866, 209.

For the current expenses of the state almshouse at Tewksbury, a sum not exceeding seventy-five thousand dollars.

For the current expenses of the state almshouse and state primary school at Monson, a sum not exceeding fifty-five thousand five hundred dollars.

Bridgewater.
G. S. 71; 1866, 198.

For the current expenses of the state almshouse and state workshop at Bridgewater, a sum not exceeding thirty-seven thousand dollars.

Rainsford Island.
G. S. 71.

For expenses of the hospital property at Rainsford Island, a sum not exceeding one thousand two hundred dollars.

Visiting agent, board of state charities.
1869, 453.

For contingent expenses of the visiting agent of the board of state charities, a sum not exceeding four thousand one hundred dollars.

General agent, expenses.
1863, 240.

For expenses of the general agent of the board of state charities, a sum not exceeding two thousand dollars.

Secretary's expenses.

For expenses of the secretary of the board of state charities, a sum not exceeding one thousand dollars.

Travelling expenses.
Lunatic paupers in hospitals.
G. S. 73; 1864, 288.

For travelling and other expenses of the board of state charities, a sum not exceeding one thousand dollars.

For the support and relief of state lunatic paupers in state hospitals, a sum not exceeding eighty thousand dollars.

Burial state paupers.
G. S. 70; 1867, 97.

For the burial of state paupers, a sum not exceeding ten thousand dollars

State paupers supported by towns.

For the support of state paupers by cities and towns, a sum not exceeding twenty-five thousand dollars; the same to include any expenses necessary to carry out the provisions of chapter one hundred and sixty-two of the acts of eighteen hundred and sixty-five, and chapter twelve of the acts of eighteen hundred and sixty-nine.

Coroners' inquests.

For the expenses of coroners' inquests, a sum not exceeding one thousand dollars.

G. S. 137, 175.
State almshouse loan.
1852, 275; 1854, 355.

For the state almshouse loan sinking fund for the redemption of scrip, the sum of six thousand dollars.

For the Perkins institution and Massachusetts asylum for the blind, the sum of thirty thousand dollars.	Asylum for the blind. Res. 1869, 19.
For the support of Massachusetts beneficiaries in the asylum for deaf and dumb, and in other institutions, a sum not exceeding thirty thousand dollars.	Deaf and dumb. Res. 1847, 94; 1864, 38; 1865, 60; 1869, 333.
For the Massachusetts school for idiotic and feeble-minded youth, the sum of sixteen thousand five hundred dollars.	Idiotic and feeble-minded youth. Res. 1861, 26; 1869, 9.
For the annuities due from the Commonwealth, incurred by the acceptance of the bequests of the late Martha Johnson, a sum not exceeding one thousand two hundred and eighty dollars.	Johannot annuities. Res. 1841, 65; 1843, 73.
For expenses attending the management of cases of settlement and bastardy, in eighteen hundred and seventy-one, a sum not exceeding two thousand dollars.	Settlement and bastardy. 1863, 246.
For pensions, a sum not exceeding seven hundred dollars.	Pensions.
For the support of Indian state paupers, in accordance with the provisions of chapter four hundred and sixty-three of the acts of the year eighteen hundred and sixty-nine, a sum not exceeding one thousand dollars.	Indian state paupers.

REFORMATORY AND CORRECTIONAL.

For the current expenses of the state prison, a sum not exceeding one hundred and fifteen thousand dollars.	State prison, current expenses. 1864, 303.
For the current expenses of the state reform school at Westborough, a sum not exceeding fifty thousand dollars.	State reform school. G. S. 76.
For the current expenses of the Massachusetts nautical school, a sum not exceeding twenty-eight thousand dollars.	Nautical school. G. S. 76.
For the current expenses of the industrial school for girls at Lancaster, a sum not exceeding twenty-six thousand dollars.	Industrial school. G. S. 75.
For expenses incurred in the arrest of fugitives from justice, a sum not exceeding one thousand five hundred dollars.	Fugitives from justice. G. S. 177.
For the salary of an agent for the relief of discharged convicts, a sum not exceeding eight hundred dollars; and for expenditures of said agent, a sum not exceeding one thousand five hundred dollars.	Agent discharged convicts. 1861, 78; 1869, 122.
For expenses of the commissioners on prisons, a sum not exceeding one thousand two hundred dollars.	Commissioners on prisons. 1870, 370.
For the appropriations for expenses of the state prison, of the state almshouses at Tewksbury, Monson and Bridgewater, of the reform school for boys at Westborough, the Massachusetts nautical school, and of the industrial school for girls, there may be paid to each in advance, a sum not exceeding one thousand dollars, to be accounted for to the state auditor in the monthly settlements of said institutions;	Part of appropriations for expenses of state almshouses, etc., may be advanced, and to be accounted for in monthly settlements with auditor.

and all sums received by said institutions from cities, towns or individuals for the support of the inmates, or for articles sold, shall be paid into the treasury of the Commonwealth, except that so much as shall be received from the manufacture of shoes at the Tewksbury almshouse, may be reinvested for that purpose.

SECTION 2. This act shall take effect upon its passage.

Approved February 13, 1871.

Chap. 23.

AN ACT TO INCORPORATE THE TOWN OF AYER.

Be it enacted, &c., as follows :

Limits of town
of Ayer.

SECTION 1. All the territory now within the towns of Groton and Shirley, comprised within the following limits, that is to say, beginning at the north-westerly corner of said territory, at a point at the junction of James' brook, so called, with the Nashua river, where the thread of the main channel of said brook intersects with the thread of said river; thence running southerly by the thread of said Nashua river to the line between the towns of Harvard and Shirley; thence easterly by said line between said towns of Harvard and Shirley, and the line between the said towns of Groton and Harvard, to a stake in the line between the said town of Groton and the town of Littleton; thence northerly and north-easterly by the line between said towns of Groton and Littleton to a stake and stones at a point where the southerly side of the county road leading from said Groton by the Ridge Hill Tavern, so called, to Littleton Old Common, so called, intersects the town line between said Groton and Littleton, and opposite a stone monument in the line between said Groton and Littleton, marked G and L; thence westerly in a straight line to the point of beginning, is hereby incorporated into a town by the name of Ayer; and said town of Ayer is hereby invested with all the powers, privileges, rights and immunities, and subject to all the duties and requisitions to which other towns are entitled and subjected by the constitution and laws of this Commonwealth.

Powers and
duties.

Taxes, how as-
sessed, collect-
ed and paid.

SECTION 2. The inhabitants of said town of Ayer shall be held to pay all arrears of taxes which have been legally assessed upon them by the said towns of Groton and Shirley; and all taxes heretofore assessed and not collected, shall be collected and paid to the treasurers of the said towns of Groton and Shirley respectively, in the same manner as if this act had not been passed, and also their proportion of all county and state taxes that may be assessed upon them previously to the taking of the next state valuation, said proportion to be ascertained and determined by the last valuations of said towns of Groton and Shirley.

SECTION 3. Said towns of Groton, Shirley and Ayer shall be respectively liable for the support of all persons who now do, or shall hereafter stand in need of relief as paupers, whose settlement was gained by or derived from a settlement gained or derived within their respective limits.

Support of
paupers.

SECTION 4. The corporate property belonging to the towns of Groton and Shirley at the date of the passage of this act, and the public debt of said towns existing at said date, shall be divided between the towns of Groton, Shirley and Ayer, according to the valuation of the property within their respective limits as assessed May first, in the year eighteen hundred and seventy; and said town of Ayer shall receive from said towns of Groton and Shirley a proportionate part of whatever amount may hereafter be refunded to said towns of Groton and Shirley from the state or the United States, to reimburse said towns of Groton and Shirley for bounties to soldiers, or state aid paid to soldiers' families, after deducting all reasonable expenses; and said town of Ayer shall bear the expense of making the survey and establishing the line between said towns of Groton and Shirley and said town of Ayer.

Corporate prop-
erty to be divid-
ed between
Groton, Shirley
and Ayer, ac-
cording to valu-
ation of towns.

SECTION 5. In case said towns of Groton, Shirley and Ayer shall not agree in respect to a division of property, debts, town paupers, or state or county taxes, the superior court for the county of Middlesex shall upon the petition of either of said towns appoint three competent and disinterested persons to hear the parties and award thereon; and their award, or the award of any two of them, being accepted by said court, shall be final. In making said award, said commissioners shall assign the real estate belonging to said towns of Groton and Shirley, at the time of the passage of this act, to the town within which said estate shall be situated, so far as such a division shall be practicable.

Commissioners
to be appointed
by superior
court if towns
disagree.

SECTION 6. The town of Ayer, for the purpose of electing representatives to the general court, until the next decennial census, or until another apportionment be made, shall remain a part of the said towns of Groton and Shirley, and vote therefor at such places as said towns of Groton and Shirley shall vote; and the selectmen of Ayer shall make a true list of all persons within their town qualified to vote at every such election, and shall post up the same in said town of Ayer, and shall correct the same as required by law, and shall deliver said list to the selectmen of the said towns of Groton and Shirley seven days at least before such election, to be used thereat.

Election of rep-
resentatives to
the general
court.

First meeting
for election of
town officers.

SECTION 7. Any justice of the peace within and for the county of Middlesex, may issue his warrant, directed to any inhabitant of the town of Ayer, requiring him to notify and warn the inhabitants thereof qualified to vote in town affairs, to meet at the time and place therein appointed, for the purpose of choosing all such town officers as towns are by law authorized and required to choose at their annual meetings; and said warrant shall be served by publishing a copy thereof in some newspaper printed in the town of Ayer, and by posting up copies thereof, all attested by the person to whom the same is directed, in three public places in said town of Ayer, seven days at least before such time of meeting. Such justice, or in his absence, such inhabitant required to notify the meeting, shall preside until the choice of moderator in said meeting. The selectmen of said towns of Groton and Shirley respectively, shall, before said meeting, prepare a list of voters in said town of Ayer, qualified to vote at said meeting, and shall deliver the same to the person presiding at such meeting before the choice of a moderator thereof.

SECTION 8. This act shall take effect upon its passage.

Approved February 14, 1871.

Chap. 24.

AN ACT REQUIRING SAFETY SWITCHES IN RAILROADS.

Be it enacted, &c., as follows :

Safety switches,
approval by
commissioners,
to be used for
running passen-
ger trains.

SECTION 1. All switches hereafter laid down in any railroad track which is used or intended to be used for the running of passenger or mixed trains thereon (including those so laid down in renewal of existing switches), shall be of the kind known as the Tyler switch, or some other kind of safety switch approved in writing by the board of railroad commissioners.

Penalties for
violation.

SECTION 2. A railroad corporation shall forfeit the sum of two hundred dollars for each switch laid down by it in violation of this act, and the further sum of five dollars for each day such switch is used by said corporation.

SECTION 3. This act shall take effect upon its passage.

Approved February 17, 1871.

Chap. 25.

AN ACT TO AMEND SECTION THIRTY-EIGHT OF CHAPTER TWENTY-FOUR OF THE GENERAL STATUTES, RELATING TO CHOICE OF ENGINEERS IN FIRE DISTRICTS.

Be it enacted, &c., as follows :

Amendment to
G. S. 24, § 38.

SECTION 1. Section thirty-eight of chapter twenty-four of the General Statutes is hereby amended by inserting the word "annually" after the word "chosen."

SECTION 2. This act shall take effect upon its passage.

Approved February 17, 1871.

AN ACT IN RELATION TO DEPOSITING BOOKS IN PUBLIC LIBRARIES. *Chap. 26.*
Be it enacted, &c., as follows:

SECTION 1. The city government of the several cities, and the selectmen of the several towns in this Commonwealth, in which may now or hereafter be public libraries, owned and maintained by said cities and towns, are hereby authorized to place in the public libraries, for the use of the inhabitants, such books, reports and laws, as have been or may be received from the Commonwealth.

Books, laws,
etc., received
from state may
be placed in
public libraries.

SECTION 2. This act shall take effect upon its passage.

Approved February 17, 1871.

AN ACT TO AUTHORIZE THE RE-OPENING AND MAINTAINING AN OUTLET FROM LOVELL'S POND IN THE TOWN OF BARNSTABLE. *Chap. 27.*
Be it enacted, &c., as follows:

SECTION 1. The owners of meadows injuriously overflowed by Lovell's Pond in the town of Barnstable, are hereby empowered to re-open, deepen and maintain an outlet from said pond to Little River, so called, and from thence to Cotuit Bay, near the dwelling-house of Nathan Coleman, in said town.

Outlet from
Lovell's Pond
may be re-opened.

SECTION 2. Nothing herein contained shall authorize the taking or using of the property of any person, without his written consent.

Property not to
be taken with-
out written
consent.

SECTION 3. This act shall take effect upon its passage.

Approved February 17, 1871.

AN ACT TO AUTHORIZE THE WORCESTER GAS LIGHT COMPANY TO INCREASE ITS CAPITAL STOCK. *Chap. 28.*

Be it enacted, &c., as follows:

SECTION 1. The Worcester Gas Light Company is hereby authorized to increase its capital stock by an amount not exceeding five hundred thousand dollars, in addition to the amount heretofore authorized by law, at such times and in such sums as the stockholders may determine, to be divided into shares of one hundred dollars each, and subject to the provisions contained in section one of chapter one hundred and seventy-nine of the acts of the year one thousand eight hundred and seventy.

\$500,000 addi-
tional capital
stock.

SECTION 2. This act shall take effect upon its passage.

Approved February 17, 1871.

AN ACT TO INCORPORATE THE FANEUIL HALL INSURANCE COMPANY. *Chap. 29.*
Be it enacted, &c., as follows:

SECTION 1. George Howe, Knowlton S. Chaffee, Joseph W. Kinsley, their associates and successors, are hereby made a corporation by the name of the Faneuil Hall Insurance

Corporators.

Powers and duties.

Company in the city of Boston, for the purpose of making insurance against losses by fire; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in all general laws which are or hereafter may be in force relating to such corporations.

Capital stock and shares.

SECTION 2. Said corporation shall have a capital stock of two hundred thousand dollars, divided into shares of one hundred dollars each; and shall have the liberty to pay in and increase the said capital stock to an amount in the whole not exceeding five hundred thousand dollars, within three years from the date of incorporation, and shall have a right to hold real estate, for its own use, to an amount not exceeding ten per cent. upon its paid up capital.

Real estate.

SECTION 3. This act shall take effect upon its passage.

Approved February 20, 1871.

Chap. 30.

AN ACT TO INCORPORATE THE MALDEN MASONIC BUILDING ASSOCIATION.

Be it enacted, §c., as follows:

Corporators.

SECTION 1. John P. Soule, Lorin L. Fuller and Henry A. Hartley, their associates and successors, are hereby made a corporation by the name of the Malden Masonic Building Association, for the purpose of erecting a building in the town of Malden, and maintaining the same for the accommodation and purposes of a masonic hall, lectures, and any other lawful purpose; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the general laws of this Commonwealth, which now are or may hereafter be in force, so far as applicable to such corporations.

Name and purpose.

Powers and duties.

Capital stock and shares.

SECTION 2. Said corporation shall have a capital stock not exceeding thirty thousand dollars, divided into shares of twenty dollars each, and may hold for the purposes aforesaid real and personal estate, not exceeding the amount of the capital stock.

Real and personal estate.

SECTION 3. This act shall take effect upon its passage.

Approved February 20, 1871.

Chap. 31.

AN ACT IN FURTHER ADDITION TO AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT DURING THE PRESENT YEAR.

Be it enacted, §c., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, for the purposes specified, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, unless otherwise ordered, to meet the current expenses of the year ending on the thirty-first day of December, in the year eighteen hundred and seventy-one, to wit:—

LEGISLATIVE AND EXECUTIVE DEPARTMENTS.

For printing and binding ordered by the senate or house of representatives or by the concurrent order of the two branches, a sum not exceeding thirty-seven thousand dollars.

Printing and binding ordered by legislature.
Res. 1856, 74.

For stationery for the senate, purchased by the clerk of the senate, a sum not exceeding one thousand dollars.

Senate stationery.
Res. 1856, 74.

For printing blanks and circulars and the calendar of orders of the day for the use of the senate, a sum not exceeding one thousand dollars.

Senate printing.
Res. 1856, 74.

For stationery for the house of representatives, purchased by the clerk of the house of representatives, a sum not exceeding two thousand five hundred dollars.

House stationery.
Res. 1856, 74.

For printing blanks and circulars and the calendar of orders of the day for the use of the house of representatives, a sum not exceeding one thousand one hundred dollars.

House printing.
Res. 1856, 74.

For books, stationery, printing and advertising, ordered by the sergeant-at-arms for the legislature, a sum not exceeding eight hundred dollars.

Stationery etc., Sergeant-at-Arms.
Res. 1856, 74.

For the authorized expenses of committees of the present legislature, the same to include clerical assistance to committees authorized to employ the same, a sum not exceeding five thousand dollars.

Committees of legislature.
G. S. 14, § 46.
1860, 309.

For postage, printing and stationery, for the governor and council, a sum not exceeding six hundred dollars.

Governor and council postage, etc.
Res. 1856, 74.

For the contingent expenses of the governor and council, a sum not exceeding one thousand five hundred dollars.

Contingent expenses.
G. S. 14, § 62.

STATE HOUSE.

For fuel and lights for the state house, a sum not exceeding seven thousand five hundred dollars.

State House fuel and lights.
G. S. 14, § 62.

For repairs, improvements and furniture of the state house, a sum not exceeding four thousand dollars.

Repairs and furniture.
G. S. 14, § 62.

For contingent expenses of the senate and house of representatives and necessary expenses in and about the state house, a sum not exceeding four thousand dollars: *provided*, that no part of such sum shall be expended for stationery, postage, printing, repairs or furniture, or for the purchase of any article or thing, or to effect any object for which an appropriation is otherwise made in this act or in any act which may be subsequently passed.

Contingent expenses of Senate and House.
G. S. 14, § 62.

STATE PRINTING.

For printing such number, not exceeding thirty-five thousand, of the pamphlet edition of the general acts and re-

Printing general laws.
G. S. 3; 1866, 65.

"Blue Book."
G. S. 3.

solves of the present year, for distribution in the Commonwealth, a sum not exceeding eight thousand dollars.

For printing and binding three thousand five hundred copies of the "blue book" edition of the acts and resolves of the present year, with the governor's messages and other matters, in the usual form, a sum not exceeding seven thousand dollars.

Newspaper
publication of
general laws.
1865, 193.

For the newspaper publication of the general laws and all other information intended for the public, a sum not exceeding five hundred dollars.

Public docu-
ments.
Binding.
G. S. 4.

For printing the public series of documents in the last quarter of the year one thousand eight hundred and seventy-one, under the direction of the secretary of the Commonwealth, and for binding the copies to be distributed to the towns and cities, a sum not exceeding thirty thousand dollars.

Term reports.
G. S. 121.

For term reports, a sum not exceeding five thousand five hundred dollars.

Railroad
reports.
1864, 167.

For printing and binding the annual railroad reports, a sum not exceeding two thousand five hundred dollars.

Supplement to
General Stat-
utes.
Res. 1867, 18.

For the publication and editing of the supplement to the General Statutes for the present year, as authorized by chapter eighteen of the resolves of the year eighteen hundred and sixty-seven, a sum not exceeding five hundred dollars for the publication, and two hundred dollars for editing the same.

National banks.
1867, 188.

For printing the report of shareholders in the national banks of the Commonwealth, as required by chapter one hundred and eighty-eight of the acts of the year eighteen hundred and sixty-seven, a sum not exceeding five thousand five hundred dollars.

INCIDENTAL AND CONTINGENT EXPENSES.

Incidental ex-
penses :
Secretary.
G. S. 14, 21;
1861, 167.

For incidental expenses of the secretary's department, a sum not exceeding five thousand dollars; and for assessors' books and registration blanks for the secretary's department, a sum not exceeding two thousand five hundred dollars.

Treasurer.
G. S. 14.

For incidental expenses of the treasurer's department, a sum not exceeding one thousand two hundred dollars.

Tax commis-
sioner.
1864, 208; 1865,
283.

For the expenses of the tax commissioner, a sum not exceeding two thousand three hundred dollars.

Auditor.
1867, 178.

For incidental expenses of the auditor's office, a sum not exceeding six hundred dollars.

Insurance com-
missioner.
G. S. 58.

For incidental and contingent expenses of the insurance commissioner, a sum not exceeding one thousand five hundred dollars.

For fees, costs and court expenses of the attorney-general, and for incidental and contingent expenses of the office of the attorney-general, a sum not exceeding one thousand seven hundred dollars.

Fees, costs, etc.,
attorney-general.
G. S. 14, § 24.

For the contingent expenses of civil actions, as authorized by section twenty-four of chapter fourteen of the General Statutes, a sum not exceeding three hundred dollars.

Civil actions.

MILITARY.

For the incidental expenses and express charges of the adjutant-general, a sum not exceeding two thousand five hundred dollars.

Adjutant-general, incidental expenses.
1866, 219; 1867, 266.

For militia bounty, a sum not exceeding one hundred twenty-two thousand dollars.

Militia bounty.
1866, 219; 1867, 266.

For military accounts, a sum not exceeding seven thousand dollars.

Military accounts.
1866, 219; 1867, 266.

For expenses of the bureau of the quartermaster-general, a sum not exceeding six thousand dollars.

Quartermaster-general.
1866, 219; 1867, 266.

For the rent of armories, a sum not exceeding twenty-five thousand dollars.

Rent of armories.
1866, 219; 1867, 266.

For instruction, orderly and roll books, a sum not exceeding two hundred and fifty dollars.

Roll books, etc.
1866, 219; 1867, 266.

For the expenses of the commissioners on state bounties, a sum not exceeding one hundred dollars.

Commissioners, state bounties.
1863, 91, 254.

For the expenses of the state commissioner on the soldiers' national cemeteries at Gettysburg and Antietam, a sum not exceeding one hundred and fifty dollars.

Soldiers' cemeteries.
Res. 1868, 20.

For expenses of the bureau of the surgeon-general, a sum not exceeding five hundred dollars.

Surgeon-general.
1866, 219; 1867, 266.

For medical, surgical and hospital supplies, and contingent expenses connected therewith, the same being for use of the state militia, a sum not exceeding five hundred dollars.

Medical supplies.
1866, 219; 1867, 266.

For the reimbursement of cities and towns, for money paid on account of aid to Massachusetts volunteers and their families, a sum not exceeding six hundred twenty-five thousand dollars, the same to be payable on the first day of December, in the year eighteen hundred and seventy-one.

State aid for resident soldiers.
1870, 339.

For expenses attending the administration of the law, providing state aid for Massachusetts volunteers and their families, a sum not exceeding five hundred dollars.

State aid, law expenses.
1866, 172.

For the payment of bounties remaining due to Massachusetts soldiers, a sum not exceeding five thousand dollars.

Soldiers' bounties.
1863, 91, 254.

For the payment, from the state treasury, of aid to Massachusetts volunteers resident out of the Commonwealth, a sum not exceeding seven thousand dollars.

State aid to non-resident soldiers.
1870, 339.

AGRICULTURAL.

Bounties to societies.
G. S. 66.

For bounties to agricultural societies, a sum not exceeding seventeen thousand one hundred and twenty-five dollars.

Expenses of members of board.
G. S. 16.

For the personal expenses of members of the board of agriculture, a sum not exceeding one thousand five hundred dollars.

Secretary of board.
Res. 1853, 67.

For the travelling expenses of the secretary of the board of agriculture, all postages and necessary expenses, a sum not exceeding two hundred and fifty dollars.

Incidental expenses.
G. S. 16.

For other incidental expenses of said board, a sum not exceeding one hundred and fifty dollars.

Printing report.
G. S. 16.

For printing the report of the board of agriculture, a sum not exceeding ten thousand dollars.

MISCELLANEOUS.

Distribution of blanks by sheriffs.
G. S. 157.

To the sheriffs of the several counties, for distributing proclamations, blanks, and making returns of votes, a sum not exceeding five hundred dollars.

Books for state library.
G. S. 5.

For the purchase of books for the state library, two thousand three hundred dollars, to be expended under the direction of the trustees and librarian.

Railroad commissioners, contingent expenses, etc.
1869, 408.

For the compensation of experts or other agents, and for contingent expenses of the railroad commissioners, a sum not exceeding two thousand six hundred dollars.

Commissioners on public lands.
Res. 1857, 70;
1860, 200; 1864, 313.

For the compensation of the commissioners on public lands, a sum not exceeding three thousand five hundred dollars; and for contingent and incidental expenses of said commissioners, a sum not exceeding five hundred dollars; said sums to be paid from the moiety of the proceeds of sales applicable to improvements. And the residue of said moiety is hereby appropriated to be applied and used in accordance with the statutes.

Harbor commissioners.
1866, 149.

For the compensation and expenses of the harbor commissioners, a sum not exceeding ten thousand dollars.

Commissioners on fisheries.
1866, 238; 1867, 344.

For the compensation and expenses of the commissioners on fisheries, a sum not exceeding five thousand dollars.

Bureau of statistics on subject of labor.
Res. 1869, 102.

For expenses of the bureau of statistics on the subject of labor, a sum not exceeding five thousand dollars.

Board of health.
1869, 420.

For expenses of the board of health, a sum not exceeding five thousand dollars.

Commissioner of corporations.
1870, 224.

For expenses of the commissioner of corporations, a sum not exceeding seven hundred dollars.

Annuity of Jane Parks.
Res. 1870, 43.

For the annuity of Jane Parks, two hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 20, 1871.

AN ACT TO AUTHORIZE THE NEW BEDFORD AND TAUNTON RAILROAD CORPORATION TO EXTEND ITS ROAD.

Chap. 32.

Be it enacted, &c., as follows :

SECTION 1. The New Bedford and Taunton Railroad Corporation may, under the provisions of the general laws, locate, construct, maintain and use a railroad, with one or more tracks, from a convenient point in the city of New Bedford, at or near the terminus of its present road, and in extension of the same, southerly to a point in said city at or near tide-water, below the New Bedford and Fairhaven bridge.

New Bedford and Taunton Railroad Corporation may extend its road.

SECTION 2. Said corporation may for the purpose aforesaid for improving its terminal facilities in the city of New Bedford and for reducing its funded debt, increase its capital stock by an amount not exceeding three hundred thousand dollars, divided into shares of one hundred dollars each : *provided*, such stock shall not be issued at less than its par value actually paid in in cash.

May increase capital stock \$300,000.

SECTION 3. Said extension shall be located within one year, and constructed within two years, after the passage of this act.

To be located in one year and constructed in two years.

SECTION 4. If the railroad of the New Bedford and Middleborough Railroad Company is located and constructed on the west side of the Acushnet River, said company may enter with its railroad upon, and unite the same with the railroad of the New Bedford and Taunton Railroad Corporation at any point in the extension aforesaid, and may use the railroad of said corporation, subject to the provisions of the general laws.

New Bedford and Middleborough road may connect with New Bedford and Taunton.

SECTION 5. If the New Bedford and Middleborough Railroad Company unites its road with the road of the New Bedford and Taunton Railroad Corporation as aforesaid, it may, within three years thereafter, purchase and own one undivided half of that portion of the road, tracks, lands, buildings, wharves and other fixed property of said last named company, lying southerly of the point of junction ; and if the New Bedford and Taunton Railroad Corporation unites its road with the road of the New Bedford and Middleborough Railroad Company, as authorized in the act incorporating said last named company, it shall have, within three years thereafter, a corresponding right of purchase. In either case, if the parties do not agree upon the price to be paid, it shall be determined by the board of railroad commissioners, subject to a right in either party to apply for a jury, as in the case of damages for land taken for a highway.

Right to purchase property if union takes place.

Road owned in common to be under joint superintendent.

If parties do not agree upon superintendent and his compensation, railroad commissioners to appoint, etc.

Extension of road into New Bedford.

Passenger station.

SECTION 6. The road and other property so owned in common shall be under the charge of a joint superintendent, whose compensation shall be apportioned between the parties according to their respective use of the common property. If the parties do not agree upon the appointment or continuance of a superintendent, or upon his compensation or the apportionment thereof, the board of railroad commissioners shall appoint and determine the same; but they shall not, without the consent of both parties, appoint any person who has been in the employment of either. The award of the commissioners shall be subject to revision by them, upon the petition of either party and notice to the other, after one year from the making thereof. Both parties, by concurrent action, may at any time remove a superintendent and appoint another, and fix and apportion his compensation.

SECTION 7. After one of the aforesaid corporations has constructed a railroad extending southerly into the city of New Bedford beyond the line of Hillman street in said city, the other shall not extend its road into said city beyond said line, except by forming a junction with the road already constructed, and by purchase as herein before provided; and both corporations shall in such case use a common passenger station southerly of said line.

SECTION 8. This act shall take effect upon its passage.

Approved February 20, 1871.

Chap. 33. AN ACT TO AUTHORIZE THE FRAMINGHAM AND LOWELL RAILROAD COMPANY TO MORTGAGE ITS ROAD.

Be it enacted, &c., as follows:

May mortgage road, issue bonds, etc.

SECTION 1. The Framingham and Lowell Railroad Company may mortgage its road, franchise and equipment, and any of its property, real or personal, to an amount not exceeding five hundred thousand dollars, to secure such bonds as may be issued by said company, under existing provisions of law.

SECTION 2. This act shall take effect upon its passage.

Approved February 20, 1871.

Chap. 34. AN ACT TO INCORPORATE THE MEDWAY SAVINGS BANK.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Milton M. Fisher, Stephen W. Richardson, Charles H. Deans and James La Croix, their associates and successors, are hereby made a corporation by the name of the Medway Savings Bank, to be located in Medway; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which

Powers and duties.

now are or hereafter may be in force applicable to savings banks.

SECTION 2. This act shall take effect upon its passage.

Approved February 20, 1871.

AN ACT TO INCORPORATE THE BENJAMIN FRANKLIN SAVINGS BANK.
Be it enacted, &c., as follows :

Chap. 35.

SECTION 1. Charles W. Stewart, H. M. Green, Davis Thayer and J. G. Ray, their associates and successors, are hereby made a corporation by the name of the Benjamin Franklin Savings Bank, to be located in Franklin, with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force in this Commonwealth, relating to institutions for savings.

Corporators.

Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved February 20, 1871.

AN ACT TO INCORPORATE THE SOMERVILLE HIGH SCHOOL ASSOCIATION.

Chap. 36.

Be it enacted, &c., as follows :

SECTION 1. Edwin Mills, Augustus W. Carter, Henry M. Brown and George S. Littlefield, all of Somerville, their associates and successors, are hereby incorporated under the name of the Somerville High School Association, being an association of the graduates of said school and of its members previous to the year eighteen hundred and sixty-two, for social, scientific and literary purposes; subject to the duties, restrictions and liabilities which now are or hereafter may be in force in relation to such corporations.

Corporators.

Name and purpose.

SECTION 2. Said corporation is hereby authorized to hold, for the purposes for which it is created, real and personal estate to the value of fifty thousand dollars.

Real and personal estate.

Approved February 20, 1871.

AN ACT IN RELATION TO THE GRANITE RAILWAY COMPANY.

Chap. 37.

Be it enacted, &c., as follows :

SECTION 1. The Granite Railway Company is hereby authorized to carry on the business of quarrying and cutting stone, and for that purpose may hold real and personal estate not exceeding, together with all real and personal estate now held by them, the sum of two hundred and fifty thousand dollars; and all acts done by said company in purchasing real estate for that purpose, and in carrying on said business, are hereby confirmed.

May carry on business of cutting and quarrying stone.

\$250,000 in real and personal estate.

Acts confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved February 20, 1871.

Chap. 38. AN ACT IN ADDITION TO AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF THE COUNTY OF BRISTOL TO LAY OUT HICKS'S BRIDGE AS A PUBLIC HIGHWAY.

Be it enacted, &c., as follows :

When Hicks's bridge is laid out as highway, commissioners to order damages to be paid by Westport.

SECTION 1. When the bridge called Hicks's Bridge is laid out as a highway, the commissioners of the county of Bristol shall make awards of damage as now provided by general laws, but shall order the same to be paid by the town of Westport, and if any parties aggrieved shall apply for a jury or a committee, the said town shall be made the party respondent, and if the petitioners shall become entitled to final process the same shall be against said town.

Part of proceeds of land damages may be allowed to be paid to Westport.

SECTION 2. After all claims for land damages shall have been determined, said commissioners may allow to said town, from the treasury of the county of Bristol, such part of said land damage and costs relating thereto, as they may decide to be just and reasonable.

Petition for laying out bridge as a highway, etc.

SECTION 3. It shall be lawful for the petition now pending for laying out said bridge as a public highway, to be promoted by one or more citizens of said town, whether interested or otherwise ; and if a new petition shall be brought, it may be brought by one or more citizens of said town, whether interested or otherwise.

Repeal.

SECTION 4. Anything contained in chapter one hundred and eighty-one of the acts of the year eighteen hundred and seventy that is inconsistent herewith is hereby repealed.

SECTION 5. This act shall take effect upon its passage.

Approved February 20, 1871.

Chap. 39. AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE TOWN OF EVERETT.

Be it enacted, &c., as follows :

Congressional, councillor, senatorial and representative districts.

SECTION 1. The town of Everett, until otherwise provided by law, shall continue to be a part of the sixth congressional district, of the sixth councillor district, of the second Middlesex senatorial district, and of the fourth Middlesex representative district ; and the voters of the town of Everett shall vote for representatives to congress, senators and representatives to the general court and members of the council, in said town of Everett, at meetings legally called for that purpose ; and the clerk of the town of Everett shall make returns and meet with the clerks of Malden and Somerville for the purpose of ascertaining the result of the election of representatives for said fourth representative district, and making certificates of the same, at the time and place now provided by law for said meeting.

SECTION 2. The sixth section of chapter sixty-six of the acts of the year eighteen hundred and seventy is hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved February 20, 1871.

AN ACT CONCERNING THE PRESERVATION OF BALLOTS IN TOWNS.

Chap. 40.

Be it enacted, &c., as follows :

SECTION 1. At every election in towns for officers other than town officers, the selectmen shall cause the voting on check lists and all ballots given in, after having been counted, declared and recorded, to be secured in an envelope and sealed, and they shall endorse on such envelope for what officers the enclosed ballots were cast, and at what election, and the same shall be sealed, endorsed and delivered to the town clerk, before the adjournment of the meeting at which the ballots were cast. Ballots used at elections to be secured in an envelope and sealed up.

SECTION 2. The clerk shall carefully preserve such envelope, unopened, sixty days, and if within that time any person voted for serves notice on him in writing, claiming an election, and desiring a recount of said ballots, the clerk shall continue to hold such envelope, subject to the order of the legislative body to which such person claims an election, or in other cases, of the board required by law finally to examine the returns and issue certificates of election; and in all such cases said legislative body or board may take and open said envelope and recount the ballots thus preserved. Envelope to be preserved unopened for sixty days, and if recount of ballots is desired, to continue to hold, etc., subject to order of court, etc.

SECTION 3. When the right of a person offering a ballot at any such election is challenged for any cause recognized by law, the selectmen if they receive the same, shall require the voter to write his name and residence thereon, and they shall add thereto the name of the challenger and the cause assigned for challenging. And if such ballot shall be offered sealed, the writing as aforesaid may be upon the envelope covering the same, and the selectmen shall mark and designate such ballot by writing thereon the name of the person by whom it was cast, before it is counted, and at the close of the election the same shall be returned to the envelope in which it is deposited. If voter is challenged, his name and residence and name of challenger to be endorsed upon ballot.

SECTION 4. Whoever wilfully or negligently violates any provision of this act shall be punished by a fine not exceeding two hundred dollars, or by imprisonment in the county jail not exceeding one year. Penalties for violation.

Approved February 20, 1871.

Chap. 41.

AN ACT IN RELATION TO DOGS IN THE CITY OF BOSTON.

*Be it enacted, &c., as follows :*Licensing and
registering dogs
in Boston.

SECTION 1. All provisions of law applying to the clerk of the city of Boston relative to licensing and registering dogs, shall hereafter apply to the chief of police of said city instead of said clerk.

SECTION 2. This act shall take effect on the first day of April next.

*Approved February 20, 1871.***Chap. 42.**

AN ACT RELATING TO BONDS IN BASTARDY CASES.

*Be it enacted, &c., as follows :*Person arrested
under bastardy
act may be re-
leased upon
giving bond in
three hundred
dollars.

SECTION 1. Any person arrested upon a warrant issued upon a complaint under chapter seventy-two of the General Statutes, may be released upon giving a bond with sufficient sureties, in not less than three hundred dollars, for his appearance before the court or justice having cognizance of said complaint, at a time to be specified in said bond.

Bond to run to
party for whose
benefit com-
plaint was
made.

SECTION 2. The bond shall be made to the party for whose benefit the complaint is made or prosecuted, and the sureties may be examined, and the bond approved, by a bail commissioner or master in chancery.

SECTION 3. This act shall take effect upon its passage.

*Approved February 20, 1871.***Chap. 43.**

AN ACT AUTHORIZING THE ATTLEBOROUGH BRANCH RAILROAD COMPANY TO INCREASE ITS CAPITAL STOCK.

Be it enacted, &c., as follows :\$130,000 addi-
tional capital
stock.

SECTION 1. The Attleborough Branch Railroad Company may increase its capital stock to an amount not exceeding in the whole, one hundred and thirty thousand dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 24, 1871.***Chap. 44.**

AN ACT TO INCORPORATE THE BROOKLINE SAVINGS BANK.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Edward Atkinson, John C. Abbott, Moses Williams, junior, their associates and successors, are hereby made a corporation by the name of the Brookline Savings Bank, to be located in the town of Brookline ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force in this Commonwealth, applicable to institutions for savings.

Name and pur-
pose.Powers and
duties.

SECTION 2. This act shall take effect upon its passage.

Approved February 24, 1871.

AN ACT TO CHANGE THE NAME OF THE PROPRIETORS OF THE ODD FELLOWS HALL IN THE CITY OF BOSTON, AND FOR OTHER PURPOSES.

Chap. 45.

Be it enacted, &c., as follows :

SECTION 1. The proprietors of the Odd Fellows Hall in the city of Boston, shall hereafter be called and known as the Odd Fellows Hall Association.

Name changed to Odd Fellows Hall Association.

SECTION 2. Said corporation is hereby authorized to maintain a building in said Boston for the purposes of an Odd Fellows Hall, and any other lawful purpose.

May maintain a building.

SECTION 3. The organization of said corporation, and all acts done in pursuance of its charter, are hereby confirmed.

Acts confirmed.

SECTION 4. This act shall take effect upon its passage.

Approved February 24, 1871.

AN ACT TO CONFIRM THE PROCEEDINGS OF THE FIRST PRESBYTERIAN CHURCH IN BOSTON.

Chap. 46.

Be it enacted, &c., as follows :

SECTION 1. The proceedings by which the First Presbyterian Church, located at the corner of Harrison avenue and Beach street in Boston, organized as a parish and religious society on the eleventh day of December, in the year eighteen hundred and sixty-two, are hereby ratified and confirmed, and said Presbyterian Church is hereby declared to be a religious society under the General Statutes of this Commonwealth.

Proceedings ratified and confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved February 24, 1871.

AN ACT TO INCORPORATE THE MERRIMACK RIVER SAVINGS BANK.

Chap. 47.

Be it enacted, &c., as follows :

SECTION 1. Josiah G. Peabody, Charles Kimball and Charles Whitney, their associates and successors, are hereby made a corporation by the name of the Merrimack River Savings Bank, to be located westerly of Jackson street, in the city of Lowell; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force in this Commonwealth applicable to institutions for savings.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved February 24, 1871.

AN ACT TO INCORPORATE THE TRUSTEES OF THE CONSUMPTIVES' HOME.

Chap. 48.

Be it enacted, &c., as follows :

SECTION 1. Charles Cullis, William Claffin, Alexander H. Vinton, Edward S. Rand, Henry F. Durant, Jacob

Corporators.

Sleeper and Abner Kingman, their associates and successors, are hereby made a corporation by the name of the Trustees of the Consumptives' Home, for the treatment, care and relief of consumptive patients and other sick, suffering and indigent persons; with all the rights, powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

Name and purpose.
Powers and duties.
Real and personal estate not exceeding \$200,000.

SECTION 2. Said corporation may take and hold in fee simple or any less estate, by purchase, gift, grant, devise or otherwise, any lands, tenements, or other estate, real or personal, to an amount not exceeding two hundred thousand dollars.

SECTION 3. This act shall take effect upon its passage.

Approved February 24, 1871.

Chap. 49. AN ACT CONCERNING THE BOSTON AND PROVIDENCE RAILROAD CORPORATION.

Be it enacted, &c., as follows :

Annual meeting.

SECTION 1. The annual meeting of the Boston and Providence Railroad Corporation shall be held at such time as may be fixed by a vote of its stockholders.

Time extended for locating and constructing additional track.

SECTION 2. The time within which said corporation may locate and construct an additional track and take land therefor, under chapter three hundred and twenty of the acts of the year eighteen hundred and sixty-nine, is extended one year from the passage of this act.

Approved February 24, 1871.

Chap. 50. AN ACT TO INCORPORATE THE WEETAMOE MILLS IN THE CITY OF FALL RIVER.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. David H. Dyer, William Lindsey, Job B. French, Jonathan T. Hillard, their associates and successors, are hereby made a corporation by the name of the Weetamoe Mills, for the purpose of manufacturing cotton and woolen cloths, or any fabric wholly or in part of wool, cotton, silk, flax, hemp or jute, in the city of Fall River; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force relating to such corporations.

Name and purpose.

Powers and duties.

Real and personal estate.

Capital stock and shares.

SECTION 2. Said corporation may hold for the purposes aforesaid real estate, necessary and convenient for its business, to an amount not exceeding four hundred thousand dollars, and its whole capital stock shall not exceed eight hundred thousand dollars, divided into shares of one hun-

dred dollars each : *provided, however*, that said corporation shall not go into operation until five hundred and fifty thousand dollars of its capital stock has been paid in in cash. Proviso.

SECTION 3. This act shall take effect upon its passage.

Approved February 24, 1871.

AN ACT TO REVIVE THE CHARTER OF THE TAUNTON STREET RAILWAY COMPANY. Chap. 51.

Be it enacted, &c., as follows :

SECTION 1. Chapter eighteen of the acts of the year eighteen hundred and seventy is hereby revived and continued in force, and the time for organizing the corporation authorized thereby, and the acceptance of said act by the city council of Taunton, and the location, construction and operation of the street railway therein authorized, is hereby extended one year. Provisions of 1870, 18, extended one year.

SECTION 2. This act shall take effect upon its passage.

Approved February 24, 1871.

AN ACT TO AUTHORIZE THE TOWN OF NORTHAMPTON TO RAISE TWENTY-FIVE THOUSAND DOLLARS FOR THE SMITH COLLEGE. Chap. 52.

Be it enacted, &c., as follows :

SECTION 1. The town of Northampton is hereby authorized to raise, by issuing its bonds, or by loan or tax, the sum of twenty-five thousand dollars, to be appropriated and paid out of the treasury of said town, to the trustees under the will of the late Sophia Smith of Hatfield, or to the board of trustees of the Smith College, if organized in compliance with the condition upon which the said college is to be located in Northampton : *provided*, that at a legal town meeting called for that purpose, a majority of the voters present and voting thereon, shall vote to raise the said amount for the said object ; and that the check list shall be used in taking such vote. Northampton may raise by loan or taxation \$25,000 to be paid to Smith College.

SECTION 2. This act shall take effect upon its passage.

Approved February 24, 1871.

AN ACT TO AUTHORIZE THE AMERICAN CONGREGATIONAL ASSOCIATION TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE. Chap. 53.

Be it enacted, &c., as follows :

SECTION 1. The American Congregational Association at Boston, is hereby authorized to hold real and personal estate to the amount of four hundred and fifty thousand dollars, in addition to the amount that said corporation is now authorized by law to hold. \$450,000 additional real and personal estate.

SECTION 2. This act shall take effect upon its passage.

Approved February 24, 1871.

Chap. 54. AN ACT IN ADDITION TO AN ACT CONCERNING THE OLD COLONY AND NEWPORT RAILWAY AND THE GRANITE RAILWAY COMPANIES, AND TO AUTHORIZE THE OLD COLONY AND NEWPORT RAILWAY COMPANY TO INCREASE ITS CAPITAL STOCK.

Be it enacted, &c., as follows :

Location of Old Colony and Newport Railway Co. between Mt. Hope branch and W. Quincy confirmed and ratified.

SECTION 1. The location of the Old Colony and Newport Railway Company, between the Mount Hope Branch of said railway and Belknap Square in West Quincy, made under the provisions of chapter three hundred and seventy-eight of the acts of the year eighteen hundred and seventy, as approved by the board of railroad commissioners under date of January nineteenth, eighteen hundred and seventy-one, and filed with the county commissioners of the county of Norfolk, is hereby ratified and confirmed.

May maintain and operate railroad between main line and Granite Railroad.

SECTION 2. The Old Colony and Newport Railway Company is hereby authorized to locate, construct, maintain and operate a railroad from a point on the railroad purchased of the Granite Railway Company, or the extension thereof as shown on the plan of location referred to in section one of this act, to a point of connection with its main line near its intersection with the boundary line between Quincy and Braintree, under the provisions of all general laws relative to railroad corporations.

Provisions of 1846, 232; 1848, 84, relating to branch roads, revived.

SECTION 3. Chapter two hundred and thirty-two of the acts of eighteen hundred and forty-six, and chapter eighty-four of the acts of eighteen hundred and forty-eight, so far as they relate to the construction of the branch railroads therein mentioned, are hereby revived; and the said Old Colony and Newport Railway Company is hereby authorized to locate, construct, maintain and operate any of said branch railroads: *provided*, that no such branch railroad shall be located until the approval thereof by the board of railroad commissioners is first obtained.

Proviso.

Stockholders by vote may increase capital stock to \$6,500,000.

SECTION 4. For the purposes aforesaid and for the purpose of reducing its funded debt, the Old Colony and Newport Railway Company is hereby authorized to increase its capital stock to six million five hundred thousand dollars: *provided*, the stockholders of said corporation shall vote so to do at a meeting called for that purpose; and *further provided*, such stock shall not be issued at less than its par value actually paid in in cash.

Powers under §§ 2, 3, to be void unless exercised within five years.

SECTION 5. Sections two and three of this act shall be void, so far as the powers therein granted are not exercised within five years from the passage of this act.

SECTION 6. This act shall take effect upon its passage.

Approved February 24, 1871.

AN ACT CONCERNING THE PUNISHMENT FOR RAPE.

Chap. 55.

Be it enacted, &c., as follows :

SECTION 1. Whoever ravishes and carnally knows a female of the age of ten years or more, by force and against her will, or unlawfully and carnally knows and abuses a female child under the age of ten years, shall be punished by imprisonment in the state prison for any term of years or for life.

Punishment for rape.

SECTION 2. Section twenty-six of chapter one hundred and sixty of the General Statutes is hereby repealed.

Repeal.

Approved February 27, 1871.

AN ACT CONCERNING THE LYNN ODD FELLOWS HALL ASSOCIATION.

Chap. 56.

Be it enacted, &c., as follows :

SECTION 1. The acts of the Lynn Odd Fellows Hall Association are hereby made valid to the same extent as they would have been valid had said corporation been authorized by chapter two hundred and eighty-nine of the acts of the year eighteen hundred and sixty-nine to have a capital stock of one hundred thousand dollars, divided into shares of one hundred dollars each.

Acts of Lynn Odd Fellows Hall Association made valid.

SECTION 2. Authority is hereby given to said corporation to have a capital stock of one hundred thousand dollars, divided into shares of twenty-five dollars each.

Capital stock and shares.

SECTION 3. This act shall take effect upon its passage.

Approved February 28, 1871.

AN ACT TO AMEND AN ACT TO INCORPORATE THE NICKERSON'S WHARF COMPANY.

Chap. 57.

Be it enacted, &c., as follows :

SECTION 1. Section two of chapter fifty-six of the acts of the year eighteen hundred and seventy, is hereby amended by inserting immediately before the word "*provided*," the words and may build, purchase, charter and manage vessels, for the purpose of carrying on a general fishing and freight-ing business.

Amendment to 1870, 56, § 2.

SECTION 2. This act shall take effect upon its passage.

Approved February 28, 1871.

AN ACT TO INCORPORATE THE NORTH ATTLEBOROUGH UNION BUILDING ASSOCIATION.

Chap. 58.

Be it enacted, &c., as follows :

SECTION 1. Stephen Richardson, Josiah D. Richards, Charles E. Smith, their associates and successors, are hereby made a corporation by the name of the North Attleborough Union Building Association, for the purpose of erecting and maintaining in that part of Attleborough called North Attle-

Corporators.

Name and purpose.

Powers and duties.

borough, a building for a public hall, hotel and market-house and any other lawful purpose, with offices and stores connected therewith; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force, applicable to such corporations.

Capital stock and shares.

SECTION 2. Said corporation may have a capital stock not exceeding seventy-five thousand dollars, divided into shares of one hundred dollars each: *provided, however*, that said corporation shall not incur any liability until the sum of twenty thousand dollars has been paid in in cash.

No stockholders entitled to more than ten votes.

SECTION 3. Every stockholder may vote according to the number of his shares, when the whole number of such shares does not exceed ten; but no stockholder shall be entitled to more than ten votes.

SECTION 4. This act shall take effect upon its passage.

Approved February 28, 1871.

Chap. 59.

AN ACT TO CHANGE THE HARBOR LINE OF GLOUCESTER HARBOR.

Be it enacted, &c., as follows:

Amendment to 1866, 124, § 2.

SECTION 1. Section two of chapter one hundred and twenty-four of the acts of the year eighteen hundred and sixty-six, entitled "an act to establish certain harbor lines in the harbor of Gloucester," is hereby amended by striking out the words "nine hundred and ten feet to a point three hundred and seventy-five feet distant from monument D; thence in a straight line south-westerly, one hundred and eighty-six feet to a point four hundred and nineteen feet distant from monument D; thence running south-westerly and southerly on an arc of a circle of two hundred and sixty-six feet radius a distance of two hundred and fifty feet to a point four hundred and fifty-seven feet distant from monument D; thence in a straight line south-easterly three hundred feet to the south-west corner of the present wharf of S. Wonson," and inserting in place thereof the following words, viz.: "eleven hundred and fifty feet to a point five hundred and thirty-two feet distant from monument D; thence in a straight line south-westerly one hundred and thirty feet to a point five hundred and thirty-seven feet distant from monument D; thence in a straight line south-easterly four hundred and ninety-five feet to the south-west corner of the present wharf of S. Wonson."

SECTION 2. This act shall take effect upon its passage.

Approved February 28, 1871.

AN ACT TO AUTHORIZE THE TOWN OF MEDFORD TO CONSTRUCT A BRIDGE OVER MYSTIC RIVER. *Chap. 60.*

Be it enacted, &c., as follows :

SECTION 1. The selectmen of the town of Medford are hereby authorized to lay out a way, and said town is hereby authorized to construct and maintain a bridge over Mystic river at some point between the Winthrop street bridge and the bridge of the Boston and Lowell Railroad Corporation, both in said town, subject to the provisions of section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six, and chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

Medford may construct bridge over Mystic River between Winthrop Street Bridge and Boston & Lowell Railroad Bridge.

SECTION 2. This act shall take effect upon its passage.

Approved February 28, 1871.

AN ACT MAKING BAILABLE THE OFFENCES OF RAPE AND ARSON.

Chap. 61.

Be it enacted, &c., as follows :

SECTION 1. The offences of rape and arson shall be bailable.

Rape and arson bailable offences.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved February 28, 1871.

AN ACT TO AUTHORIZE THE WEETAMOE MILLS TO CONSTRUCT A WHARF IN FALL RIVER. *Chap. 62.*

Be it enacted, &c., as follows :

SECTION 1. License is hereby given to the Weetamoe Mills to construct a wharf in Fall River from a lot of land owned by said corporation on the easterly side of Taunton river, near Slade's ferry, so called ; said wharf not to exceed in width the width of said lot of land on the river front, and not to extend into said river beyond limits to be prescribed by the board of harbor commissioners, subject to section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six, and chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

May build wharf in Fall River.

Not to be extended beyond commissioners' line.

SECTION 2. This act shall take effect upon its passage.

Approved March 3, 1871.

AN ACT TO AUTHORIZE ALBERT W. MANN TO EXTEND HARRIS'S WHARF, IN BOSTON. *Chap. 63.*

Be it enacted, &c., as follows :

SECTION 1. License is hereby given to Albert W. Mann, lessee of Harris's wharf, so called, in the city of Boston, to extend said wharf to the commissioners' line, subject to the provisions of section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six,

May extend wharf in Boston.

and chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

SECTION 2. This act shall take effect upon its passage.

Approved March 3, 1871.

Chap. 64. AN ACT TO REVIVE THE WALTHAM BANK FOR CERTAIN PURPOSES.
Be it enacted, &c., as follows :

Charter revived
for conveyance
of property.

SECTION 1. The corporation heretofore known as the president, directors and company of the Waltham Bank, located at Waltham, is hereby revived and continued for the purpose of enabling the directors of said bank at the time when the same became an association for carrying on the business of banking under the laws of the United States, to convey, assign and transfer to the Waltham National Bank of Waltham any real estate or interests therein of the said Waltham Bank, and for no other purpose whatever.

SECTION 2. This act shall take effect upon its passage.

Approved March 3, 1871.

Chap. 65. AN ACT TO AUTHORIZE THE TOWN OF MEDFORD TO ISSUE ADDITIONAL WATER FUND BONDS.

Be it enacted, &c., as follows :

May issue addi-
tional water
fund bonds.

SECTION 1. The town of Medford is hereby authorized, for the purposes mentioned in the third section of chapter one hundred and sixty of the acts of the year eighteen hundred and seventy, to issue bonds to an amount not exceeding fifty thousand dollars, in addition to the amount therein authorized to be issued, upon like terms and conditions, and with like powers in all respects as are provided in said act for the issue of bonds of said town.

SECTION 2. This act shall take effect upon its passage.

Approved March 3, 1871.

Chap. 66. AN ACT TO REVIVE THE NEPONSET BANK OF CANTON FOR CERTAIN PURPOSES.

Be it enacted, &c., as follows :

Charter revived
for conveyance
of property.

SECTION 1. The existence of the corporation heretofore known as the president, directors and company of the Neponset Bank, and located in Canton, is hereby revived and continued for the purpose of enabling the president and directors of said bank, at the time when the same became an association for carrying on the business of banking under the laws of the United States, to convey, assign, and transfer to the Neponset National Bank of Canton any real estate or interests therein of said Neponset Bank, and for no other purpose whatever.

SECTION 2. This act shall take effect upon its passage.

Approved March 3, 1871.

AN ACT TO INCORPORATE THE ATHOL MUSIC HALL ASSOCIATION. *Chap. 67.**Be it enacted, &c., as follows :*

SECTION 1. Addison M. Sawyer, Lyman W. Hapgood, Washington H. Amsden, their associates and successors, are hereby made a corporation by the name of the Athol Music Hall Association, for the purpose of erecting and maintaining in the town of Athol, a building for a public hall, and any other lawful purpose ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be applicable to such corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation shall have a capital stock not exceeding thirty thousand dollars, divided into shares of one hundred dollars each.

Capital stock and shares.

SECTION 3. This act shall take effect upon its passage.

*Approved March 3, 1871.*AN ACT TO INCORPORATE THE TRUSTEES OF THE SMITH ACADEMY. *Chap. 68.**Be it enacted, &c., as follows :*

SECTION 1. Joseph D. Billings, George W. Hubbard, Jonathan S. Graves, Alpheus Cowles, Silas G. Hubbard, Frederick D. Billings, William H. Dickinson, and Daniel W. Wells, all of Hatfield, and their successors, are hereby constituted a body corporate under the name of The Trustees of the Smith Academy, to be established at Hatfield, and to be managed and conducted in accordance with the plan and provisions set forth in the last will of Sophia Smith, late of said Hatfield. And the said trustees shall have power and authority from time to time as vacancies may occur in their board, to elect, by ballot new members to fill the same ; also to elect a president, vice-president, secretary and treasurer, and such other officers of said corporation as may be found necessary, and to declare the duties and tenures of these respective offices ; and also to remove any trustee from the same corporation, when in their judgment he shall be rendered incapable by age or otherwise of discharging the duties of his office, or shall neglect or refuse to perform the same : *provided, nevertheless*, that the number of members shall never be greater than eight.

Corporators.

Name and purpose.

Trustees and other officers.

SECTION 2. The said corporation shall have full power and authority to determine at what time and places their meetings shall be held, and the manner of notifying the trustees to convene at such meetings ; from time to time to appoint a principal, preceptress, and such teachers or assistants as in their judgment the said academy requires, and to determine the duties and compensation of each, and the

Meetings of corporations.

Principal, teachers, &c.

Rules and regulations.

tenure of their several offices ; to make and ordain as occasion may require, reasonable rules, orders and by-laws not repugnant to the constitution and laws of this Commonwealth, with reasonable penalties for the good government of said academy, and for the regulation of their own body ; and to determine and regulate the course of study in said academy : *provided, nevertheless*, that no corporate business shall be transacted at any meeting unless five at least of the trustees are present ; and *provided, further*, that all action under the provisions of this section shall be subject to any express directions and restrictions named in said will.

Real and personal estate.

SECTION 3. The said corporation shall be capable of taking and holding in fee-simple, or any less estate, by gift, grant, bequest, devise, or otherwise, any lands, tenements, or other estate, real or personal, and of managing, investing, appropriating and disposing of the same, and of the rents and profits thereof, in such manner as shall best promote the prosperity of said academy and the objects for which it is founded, they conforming to the will of the founder and of any donor or donors in the application of any estate which has been, or may be given, devised or bequeathed for any object connected with the said academy : *provided, however*, the clear annual income of all said estate shall not exceed ten thousand dollars.

SECTION 4. This act shall take effect upon its passage.

Approved March 3, 1871.

Chap. 69. AN ACT TO CONTINUE IN FORCE CERTAIN ACTS RELATING TO THE MERCHANTS' INSURANCE COMPANY IN BOSTON.

Be it enacted, &c., as follows :

Charter extended without limitation of time.

Chapter sixty-six of the acts of the year eighteen hundred and sixteen, entitled an act to incorporate the Merchants' Insurance Company in Boston, and all acts or parts of acts in addition thereto, or in amendment thereof, shall continue and remain in force from and after the fifth day of December, eighteen hundred and seventy-six ; and said corporation shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force relating to such corporations, in like manner and to the same effect as if said act incorporating said company had contained no limitation of time.

Approved March 3, 1871.

Chap. 70. AN ACT TO INCORPORATE THE CENTRAL SAVINGS BANK IN LOWELL.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Hiram Parker, George Richardson, Thomas S. Shaw, their associates and successors, are hereby made a

corporation by the name of The Central Savings Bank, to be located at or near the junction of Central and Merrimack streets, in the city of Lowell; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to institutions for savings.

SECTION 2. This act shall take effect upon its passage.

Approved March 3, 1871.

AN ACT TO INCORPORATE THE SMITH COLLEGE.

Be it enacted, &c., as follows :

SECTION 1. Charles E. Forbes and Osmyn Baker of Northampton, John M. Greene of Lowell, William S. Tyler and Julius H. Seelye of Amherst, William B. Washburn of Greenfield, Edwards A. Park of Andover, Joseph White of Williamstown, Birdseye G. Northrop of New Haven, Edward B. Gillett of Westfield, and George W. Hubbard of Hatfield, their associates and successors, are hereby constituted a body corporate, by the name of The Trustees of the Smith College, the leading object of which shall be the higher education of young women, in accordance with the plan and provisions prescribed in the last will of Sophia Smith, late of Hatfield. And for the orderly conducting of the business of said corporation, the said trustees shall have power and authority from time to time, as occasion may require, to elect a president, vice-president, secretary and treasurer, and such other officers of said corporation as may be found necessary, and to declare the duties of their respective offices and to elect new trustees; and to remove any trustee from the same corporation, when in their judgment he shall be rendered incapable, by age or otherwise, of discharging the duties of his office, or shall neglect or refuse to perform the same: *provided, nevertheless*, that the number of trustees shall never be greater than fifteen.

SECTION 2. The said corporation shall have full power and authority to determine at what times and places its meetings shall be held, and the manner of notifying the trustees to convene at such meetings; from time to time to elect a president of said college, and such professors, instructors, teachers and other officers of said college as they shall judge most for the interest thereof, and to determine the duties, salaries, emoluments, responsibilities and tenures of their several offices; and the said corporation is further empowered to purchase or erect, and keep in repair, such houses and other buildings as it shall judge necessary for the said college; to make and ordain, as occasion may require, rea-

Name and purpose.

Powers and duties.

Chap. 71.

Corporators and trustees.

Name and purpose.

Trustees may elect officers of corporation.

Meetings.

Professors and teachers.

Salaries.

College buildings.

- sonable rules, orders and by-laws, not repugnant to the constitution and laws of the Commonwealth, with reasonable penalties for the good government of the said college, and for the regulation of its own body; to determine and regulate the course of instruction in said college, and to grant such honorary testimonials and confer such honors, degrees and diplomas as are granted or conferred by any university, college or seminary of learning in the United States; and the diplomas so granted shall entitle the possessors to the immunities and privileges allowed by usage or statute to the possessors of like diplomas from any university, college or seminary of learning in this Commonwealth: *provided, nevertheless*, that no corporate business shall be transacted at any meeting unless a majority of the trustees are present.
- COURSE OF INSTRUCTION. DEGREES AND DIPLOMAS.**
- PRESENCE OF MAJORITY OF TRUSTEES NECESSARY TO TRANSACT BUSINESS. MAY HAVE A SEAL, SUE AND BE SUED, &c.**
- MAY HOLD REAL AND PERSONAL ESTATE.**
- PROVISO.**
- CLEAR RENTS AND PROFITS TO BE APPLIED TO ENDOWMENT OF COLLEGE.**
- LOCATION OF COLLEGE.**
- SECTION 3. The said corporation may have a common seal, which it may alter or renew at its pleasure, and all deeds sealed with the seal of said corporation, and signed by its order, shall when made in the corporate name, be considered in law as the deeds of the said corporation; and said corporation may sue and be sued in all actions, real, personal or mixed, and may prosecute the same to final judgment and execution by the name of The Trustees of the Smith College; and said corporation shall be capable of taking and holding in fee simple or any less estate, by gift, grant, bequest, devise or otherwise, any lands, tenements or other estate, real or personal: *provided*, that the clear annual income of the same shall not exceed fifty thousand dollars.
- SECTION 4. The clear rents and profits of all the estate, real and personal, of which the said corporation shall be seized and possessed, shall be appropriated to the endowment of the said college in such manner as shall most effectually promote the high standard of education and culture aimed at by the founder, the said trustees conforming to the will of the founder, and of any donor or donors in the application of any estate which has been or may be given, devised or bequeathed for any object connected with the college.
- SECTION 5. The board of trustees, when organized, are authorized and required to locate the said college in Northampton, provided the citizens or town of Northampton, within two years from December fifth, in the year eighteen hundred and seventy, shall raise and pay over, or cause to be raised and paid over to the said board of trustees, if organized, or if not, to the two trustees named in the fifth section of the founder's will, or to their proper successors, the sum of twenty-five thousand dollars for the purposes speci-

fied in said will. And upon the failure or refusal of the citizens or town of Northampton so to do, then the said trustees, when organized, shall locate the said college in Hatfield, and in whichever town located, the said trustees are authorized to select therein a suitable site therefor, and to purchase or otherwise acquire and hold all such real estate as in the judgment of said trustees may be required for the buildings and grounds connected with said college.

SECTION 6. The legislature may grant any further powers to, or alter, limit, annul or restrain any of the powers vested by this act in the said corporation, as shall be found necessary to promote the best interests of the said college.

Legislature
may alter or annul
any powers
under this act.

SECTION 7. This act shall take effect upon its passage.

Approved March 3, 1871.

AN ACT TO INCORPORATE THE WINCHESTER SAVINGS BANK.

Chap. 72.

Be it enacted, &c., as follows :

SECTION 1. John T. Manny, A. K. P. Joy, Henry B. Metcalf, David N. Skillings, J. F. Dwinell and Stephen Cutter, their associates and successors, are hereby made a corporation by the name of the Winchester Savings Bank, to be located in the town of Winchester; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force, applicable to institutions for savings.

Corporators.

Name and purpose
Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved March 3, 1871.

AN ACT TO INCORPORATE THE BOSTON ART CLUB.

Chap. 73.

Be it enacted, &c., as follows :

SECTION 1. Charles C. Perkins, Horace H. Moses, George D. Russell, their associates and successors, are hereby made a corporation by the name of the Boston Art Club, to be located in the city of Boston, for the purpose of advancing the fine arts by the establishment of an art gallery and library; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to such corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation for the purpose aforesaid, may hold real and personal estate to an amount not exceeding one hundred thousand dollars.

Real and personal estate.

SECTION 3. This act shall take effect upon its passage.

Approved March 3, 1871.

Chap. 74. AN ACT TO AUTHORIZE SAMUEL INGALLS TO CONSTRUCT A WHARF IN WINTHROP.

Be it enacted, &c., as follows :

May construct wharf on Chelsea Creek, in Winthrop.

SECTION 1. License is hereby given to Samuel Ingalls to construct a wharf from land owned by him, on Chelsea creek, in the town of Winthrop, the location, width and extent thereof to be determined by the board of harbor commissioners, subject to the provisions of section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six, and chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

SECTION 2. This act shall take effect upon its passage.

Approved March 3, 1871.

Chap. 75. AN ACT TO REGULATE THE USE OF WENHAM LAKE FOR BATHING AND OTHER PURPOSES.

Be it enacted, &c., as follows :

Penalties for bathing in Wenham Lake.

SECTION 1. Whoever shall wash any domestic animals or bathe in Wenham Lake within five hundred yards of the mouth of the conduit pipe of the Salem water works in North Beverly, shall, for every such offence, be punished by a fine not exceeding ten dollars.

Prosecutions to be instituted within thirty days.

SECTION 2. All prosecutions under the preceding section, shall be instituted within thirty days from the time of committing the offence.

Approved March 3, 1871.

Chap. 76. AN ACT RELATING TO THE PUNISHMENT FOR ARSON, BURGLARY AND OTHER OFFENCES.

Be it enacted, &c., as follows :

Amendments G. S. 161, §§ 1, 2, 10.

Sections one, two and ten of chapter one hundred and sixty-one of the General Statutes, are hereby amended by adding at the end of each of said sections the words "or for any term of years."

Approved March 3, 1871.

Chap. 77. AN ACT MAKING ADDITIONAL APPROPRIATIONS FOR CERTAIN EXPENSES AUTHORIZED IN THE YEAR EIGHTEEN HUNDRED AND SEVENTY, AND PREVIOUS YEARS, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows :

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury of the Commonwealth, from the ordinary revenue, except in cases otherwise ordered, for the purposes specified herein, to wit :

LEGISLATIVE DEPARTMENT.

Printing and binding ordered by legislature. Res. 1853, 74.

For printing and binding ordered by the senate or house of representatives, or by the concurrent order of the two

branches, a sum not exceeding five thousand three hundred and twelve dollars and thirty-two cents.

For books, printing and stationery, ordered by the sergeant-at-arms, for the legislature, a sum not exceeding one hundred and fifty-two dollars and thirty cents.

Books and stationery.
Sergeant-at-arms.

STATE PRINTING.

For printing and binding the series of public documents in the last quarter of the year eighteen hundred and sixty-nine, a sum not exceeding two thousand one hundred and sixty-seven dollars and forty-six cents.

Public documents.
G. S. 4.

For registration blanks for the secretary's department, a sum not exceeding three hundred and twenty-one dollars and twenty-eight cents.

Registration blanks.
G. S. 21.

The unexpended balance of the appropriation made in chapter four hundred and sixty-six of the acts of the year eighteen hundred and sixty-nine, for the publication of the Provincial Laws, amounting to five thousand eight hundred and seventy-two dollars and twenty-nine cents, is hereby re-appropriated for the same purpose.

Provincial laws.
Res. 1867, 87.

MISCELLANEOUS.

For militia bounty, a sum not exceeding four hundred and sixty dollars and ten cents.

Militia bounty.
1866, 219; 1867, 266.

For military accounts, a sum not exceeding three thousand one hundred dollars.

Military accounts.
1866, 219; 1867, 266.

For medical, surgical and hospital supplies for the use of the state militia, a sum not exceeding forty-seven dollars.

Medical supplies.
1866, 219; 1867, 266.

For expenses of the secretary of the board of agriculture, a sum not exceeding seventy-seven dollars and fourteen cents.

Secretary board of agriculture.
G. S. 16.

For the personal expenses of members of the board of agriculture, a sum not exceeding five hundred dollars.

Board of agriculture, expenses.

For incidental expenses of the board of agriculture, a sum not exceeding twenty-six dollars and fifty-five cents.

Incidental expenses.

For expenses of the harbor and railroad commissioners, incurred in printing their report to the legislature, a sum not exceeding six hundred and fifty-four dollars and sixteen cents.

Harbor and railroad commissioners.
1870, 301.

For expenses of the supreme judicial court, a sum not exceeding one thousand two hundred and thirteen dollars and twenty-nine cents.

S. J. C. expenses.
G. S. 112.

For the construction and repair of roads in the town of Mashpee, a sum not exceeding one hundred and fifty dollars.

Roads in Mashpee.
1870, 293.

Board of edu-
cation.
G. S. 34.

For incidental expenses of the board of education, a sum not exceeding two hundred and forty-three dollars and sixteen cents, payable from the moiety of the income of the Massachusetts school fund applicable to educational purposes.

Boston harbor.

Of the appropriation made by authority of chapter four hundred and forty-six of the year eighteen hundred and sixty-nine, for the purchase of lands for the benefit of the flats of the Commonwealth in Boston harbor, there is hereby re-appropriated a sum not exceeding one thousand five hundred dollars.

Harbor com-
missioners.
1866, 149.

For expenses of the harbor commissioners, a sum not exceeding five hundred and eighty dollars and fifty-four cents.

Sheriffs' ac-
counts.
G. S. 157.

For sheriffs' accounts, a sum not exceeding seventy-five dollars.

Coroners' in-
quests.
G. S. 157, 175.

For expenses of coroners' inquests, a sum not exceeding fifty dollars.

Industrial sch'l
for girls.
G. S. 75.

For current expenses of the industrial school for girls, a sum not exceeding one thousand four hundred and ninety-five dollars and fifty-five cents.

Fugitives from
justice.
G. S. 177.

For expenses attending the arrest of fugitives from justice, a sum not exceeding two hundred and forty dollars.

State police.
1865, 249.

For compensation and expenses of the state police, a sum not exceeding sixteen thousand six hundred and sixty-nine dollars and fifty-three cents.

Workshops of
state prison.

Of the appropriation made by authority of chapter ninety-nine of the resolves of the year eighteen hundred and sixty-nine, for the reconstruction of workshops at the state prison, there is hereby re-appropriated a sum not exceeding four hundred and thirty-nine dollars and ten cents for the same purpose.

Hoosac tunnel.

The unexpended balance of the appropriations made in chapter three hundred and thirty-three of the acts of the year eighteen hundred and sixty-eight, may be applied in payment of any necessary expenses incurred, or that may be incurred, for the purposes of said act, which the governor and council shall direct in addition to those authorized in said act.

Highway at
Hoosac Tunnel.

For the expense of a highway across land of the Commonwealth, near the east end of the Hoosac tunnel, as authorized by section three of chapter two hundred and fifty-two of the acts of eighteen hundred and seventy, the sum of fifteen hundred dollars.

Settlement of
claims against
United States.

For expenses incurred under the provisions of section three of chapter two hundred and sixteen of the acts of the year eighteen hundred and sixty-one, in the settlement of

claims against the United States, a sum not exceeding two hundred dollars.

For expenses of the commissioners on fisheries, as authorized by chapter two hundred and thirty-eight of the acts of the year eighteen hundred and sixty-six, a sum not exceeding seven hundred and forty-four dollars and sixty-four cents.

Commissioners
on fisheries.

SECTION 2. This act shall take effect upon its passage.

Approved March 3, 1871.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FIFTY OF THE GENERAL STATUTES IN RELATION TO LIENS ON BUILDINGS AND LAND.

Chap. 78.

Be it enacted, &c., as follows :

The one hundred and fiftieth chapter of the General Statutes is hereby amended as follows ; by striking out from said chapter the fourteenth section, and inserting instead thereof as section fourteen of said chapter the following : The court in which the petition is entered, or the clerk thereof in vacation, shall order notice to be given to the owner of the building or structure, that he may appear and answer thereto at a certain day in the same term or at the next term, by serving him with an attested copy of the petition with the order of the court or clerk thereon, fourteen days at least before the time assigned for the hearing ; and the court, or the clerk thereof in vacation, shall also order notice of the filing of the petition to be given to the debtor and to all other creditors who have a lien of the same kind upon the same estate, by serving them with a copy of the last mentioned order in like manner. In case the petition is entered in a municipal or police court, or before a justice of the peace, the day for such appearance and answer shall be fixed at not more than sixty days from the day of such entry.

Amendment to
G. S. 150.

Approved March 3, 1871.

AN ACT MAKING APPROPRIATIONS FROM THE FUNDS AND THE INCOME OF THE FUNDS HEREIN MENTIONED AND FOR OTHER PURPOSES.

Chap. 79.

Be it enacted, &c., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the funds and the income of the funds, as specified, to wit :

Appropriations.

The income of the Rogers book fund shall be expended in accordance with the conditions named by the donor, in conformity with chapter two hundred and fifteen of the acts of the year eighteen hundred and fifty-seven.

Rogers book
fund.

The income of the Todd normal school fund shall be paid to the treasurer of the board of education, to be applied in

Todd normal
school fund.

such manner as shall be prescribed by said board, in accordance with chapter thirty-six of the General Statutes.

Agricultural college fund.

The income of the agricultural college fund shall be paid in accordance with the provisions of chapter one hundred and eighty-six, and chapter two hundred and twenty of the acts of the year eighteen hundred and sixty-three.

Charles river and Warren bridge fund.

SECTION 2. The sums mentioned in this section are appropriated, to be paid out of the Charles River and Warren bridge fund, for the year eighteen hundred and seventy-one, to wit :

ON ACCOUNT OF THE CHARLES RIVER BRIDGE.

Repairs.	For repairs on said bridge and buildings belonging thereto, a sum not exceeding two thousand dollars.
Horse-keeping.	For horse-keeping, a sum not exceeding six hundred dollars.
Gas and oil.	For gas, oil, fluid, and fuel, a sum not exceeding nine hundred dollars.
Incidental expenses.	For incidental and contingent expenses, a sum not exceeding six hundred dollars.
Draw-tender.	For the compensation of the draw-tender on said bridge, a sum not exceeding one thousand two hundred dollars.

ON ACCOUNT OF WARREN BRIDGE.

Repairs.	For repairs on said bridge and buildings belonging thereto, a sum not exceeding two thousand dollars.
Horse-keeping.	For horse-keeping, a sum not exceeding three hundred dollars.
Gas and oil.	For gas, oil, fluid, and fuel, a sum not exceeding eight hundred dollars.
Incidental expenses.	For incidental and contingent expenses, a sum not exceeding five hundred dollars.
Draw-tender.	For the compensation of the draw-tender on said bridge, a sum not exceeding one thousand two hundred dollars.

SECTION 3. This act shall take effect upon its passage.

Approved March 3, 1871.

Chap. 80.

AN ACT TO INCORPORATE THE BLUE HILL LAND COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Henry M. Clark, George W. Wheelwright, and A. G. Bowles, their associates and successors, are hereby made a corporation by the name of the Blue Hill Land Company, during and for the term of twenty years from and after the passage of this act, for the purpose of purchasing, improving, building upon, selling, leasing, or otherwise disposing of land in the towns of Milton, Hyde Park and Dedham, now held by J. Dixwell Thompson, in trust for the

Name and purpose.

Blue Hill Land Company, and such contiguous territory not exceeding in the whole five hundred acres, as shall from time to time be purchased by said corporation, and performing such other legal acts as may be necessary in accomplishing said objects, and shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force, applicable to such corporations.

Powers and duties.

SECTION 2. The capital stock of said corporation shall not exceed three hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and no share shall be issued until the amount thereof has been paid in in cash. No note or obligation given by a stockholder, whether secured by pledge or otherwise, shall be considered as payment of any part of the capital stock: *provided*, that the said corporation shall not incur any liability until at least fifty thousand dollars in cash shall have been paid in.

Capital stock and shares.

SECTION 3. This act shall take effect upon its passage.

Approved March 3, 1871.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF HAMPDEN COUNTY TO TAKE LAND, AND FOR OTHER PURPOSES.

Chap. 81.

Be it enacted, &c., as follows :

SECTION 1. The county commissioners of the county of Hampden may purchase or otherwise take any parcel or parcels of land, not exceeding one-half an acre in extent, within the limits of the city of Springfield, not appropriated to public or religious uses, for the purpose of locating and building a court house for said county.

County commissioners may take land to build court house.

SECTION 2. The said commissioners shall, within sixty days after such taking, file for record in the registry of deeds for said county, a description of the land so taken, and the title of the same shall thereupon vest in said county.

To file description of land in registry of deeds.

SECTION 3. All damages occasioned by the taking of land under this act may be determined and recovered in the same manner as is now provided by law in case of lands taken for highways.

Damages.

SECTION 4. For the purpose of carrying out the provisions of this act, said commissioners may borrow on the credit of said county, a sum not exceeding fifty thousand dollars.

May borrow \$50,000.

SECTION 5. Any parcel of land taken under authority of this act shall revert to the owner thereof, his heirs or assigns, unless a court house shall be erected thereon within three years after the recording of the description of said land as herein provided.

SECTION 6. This act shall take effect upon its passage.

Approved March 3, 1871.

Chap. 82. AN ACT TO CEDE JURISDICTION TO THE UNITED STATES OVER CERTAIN LAND IN THE CITY OF BOSTON.

Be it enacted, &c., as follows :

Jurisdiction
ceded to U. S.
of land in Bos-
ton for a post-
office and sub-
treasury.

SECTION 1. Jurisdiction is hereby ceded to the United States over the following described tract of additional land for the site of the new post-office and sub-treasury building in the city of Boston, when the United States shall have acquired title thereto. The said additional land adjoins the tract already purchased by the United States in the block bounded by Devonshire, Water, Congress and Milk streets, and is bounded and described as follows: beginning at the most north-westerly corner of said estate, at a point in the southerly line of Water street, said point being in the division line of property between land of the United States and land herein described, and also being the westerly corner of Water street and a common passage-way eleven feet wide; thence running eastwardly by Water street, there measuring eleven feet and one-third of an inch; thence southerly by land of the Merchants' Insurance Company, seventy-three feet and three inches; thence westwardly by land of the United States, eleven feet; thence northwardly by the same seventy-two feet and eight and one-half inches to the point of beginning; containing eight hundred and twelve square feet, more or less, being a strip of land eleven feet wide, owned by said Merchants' Insurance Company and over which the United States have a right of way: *provided, always,* that this Commonwealth shall retain and does retain concurrent jurisdiction with the United States in and over all the lands aforesaid so far that civil and criminal processes, issuing under the authority of this Commonwealth, may be executed on said land and in any buildings thereon erected or to be erected thereon, in the same way and manner as if jurisdiction had not been granted as aforesaid; and *provided,* that the exclusive jurisdiction shall revert to and revest in the Commonwealth of Massachusetts whenever said land shall cease to be used by the United States for public purposes.

State retains
concurrent ju-
risdiction.

Proviso.

Plan to be filed
in secretary's
office within
one year.

SECTION 2. This act shall be void unless a suitable plan of the additional land aforesaid shall be filed in the office of the secretary of the Commonwealth within one year after the title shall be acquired as aforesaid.

SECTION 3. This act shall take effect upon its passage.

Approved March 8, 1871.

AN ACT TO PREVENT THE OBSTRUCTION OF HIGHWAYS BY RAILROAD CORPORATIONS. *Chap. 83.*

Be it enacted, &c., as follows :

SECTION 1. No railroad corporation shall unnecessarily or unreasonably use or occupy a highway ; nor in any case with cars or engines, for more than five minutes at one time. Railroad corporations not to occupy highway unnecessarily.

SECTION 2. Whenever a railroad corporation has used or occupied a highway, with cars or engines, no railroad corporation shall thereafter use or occupy the same, with the cars or engines of a freight train, until a sufficient time, not exceeding three minutes, has elapsed, to enable travellers who are ready and waiting for that purpose to cross, on said highway, the tracks of said railroad corporation. Sufficient time between passage of trains to intervene, for accommodation of passengers across track.

SECTION 3. Every violation of this act shall be punished by a fine of one hundred dollars. Penalty for violation. *Approved March 8, 1871.*

AN ACT TO CHANGE THE TIME OF HOLDING THE TERMS OF THE SUPERIOR COURT FOR THE COUNTY OF BERKSHIRE FOR CRIMINAL BUSINESS. *Chap. 84.*

Be it enacted, &c., as follows :

SECTION 1. The terms of the superior court for the county of Berkshire, for criminal business, now required by law to be held at Pittsfield on the first Mondays of January and July, shall hereafter be held at Pittsfield on the second Mondays of January and July in each year. Terms of superior court for Berkshire.

SECTION 2. This act shall not affect the time of holding the next term of said court, for criminal business, on the first Monday of July next. Time of holding next term not affected. *Approved March 8, 1871.*

AN ACT TO AUTHORIZE THE ABUTTERS ON HERRING RIVER IN FAIRHAVEN TO ERECT FLOOD-GATES ACROSS THE CHANNEL OF SAID RIVER, AND FOR OTHER PURPOSES. *Chap. 85.*

Be it enacted, &c , as follows :

SECTION 1. Benjamin H. Chace, Seth A. Mitchell, William H. Davis, Henry Waldron, George Brown, Thomas P. W. Perkins, Ephraim Pope, Corbit Chandler, James K. Lawrence, Ansel Tripp, Henry Stetson, Noah Spooner, Irving B. Delano, Hiram Tripp, Jabez Delano, Robert M. Simmons, John Alden, Nathaniel S. Higgins, Rebecca W. Stewart, Elizabeth H. Wood, Mary W. Smith, Isaac Terry and John A. Hawes, their heirs and assigns, abutters on Herring river in Fairhaven, are hereby authorized to erect and maintain flood-gates in and across the channel of said river, at or near the point where Main street, so called, crosses said river, for the purpose of preventing the ebb and flow of the tide in said river, and thereby protecting their land and property from damage by the action of salt water ; and in order to effectu- Corporators. May erect flood-gates across Herring river in Fairhaven.

May raise water in river, flow laud, &c. ally accomplish the said object, they may raise the water in said river to a height not exceeding three and fifty-nine one-hundredths feet below the top of the northerly cap-stone of the bridge crossing said river at Bridge street, and may flow the land of any person.

Compensation provided for. SECTION 2. Any person whose land shall be flowed or property injured by the erection of said flood-gates, may obtain compensation therefor in the manner provided in chapter one hundred and forty-nine of the General Statutes, and the several acts in addition thereto.

Liability for damages. SECTION 3. The said abutters shall be jointly and severally liable in an action of tort for all damage which shall result in any manner, other than by flowage, from the erection or maintenance of said flood-gates.

SECTION 4. This act shall take effect upon its passage.

Approved March 8, 1871.

Chap. 86. AN ACT TO PROVIDE A CLERK FOR THE POLICE COURT OF FITCHBURG.
Be it enacted, &c., as follows :

Clerk of police court to be elected for five years. SECTION 1. At the annual municipal election in the town of Fitchburg, to be held in the year one thousand eight hundred and seventy-one, and every fifth year thereafter, a clerk of the police court of Fitchburg shall be chosen. Said clerk shall perform all the duties now prescribed by the General Statutes for clerks of police courts ; and all the provisions of law now applicable to clerks of police courts, shall apply to said clerk.

Salary, \$500, to be paid by State. SECTION 2. Said clerk shall receive an annual salary of five hundred dollars, to be paid from the treasury of the Commonwealth.

SECTION 3. This act shall take effect upon its passage.

Approved March 8, 1871.

Chap. 87. AN ACT TO INCORPORATE THE TRUSTEES OF THE MEMORIAL HOSPITAL IN WORCESTER.

Be it enacted, &c., as follows :

Corporators. SECTION 1. Philip L. Moen, Henry Clark, Joseph Sargent, Thomas H. Gage, Seth Sweetser, Charles Washburn, Edward Earle, Timothy K. Earle, Stephen Salisbury, Jr., Francis H. Dewey and John D. Washburn, with the officiating clergyman, for the time being, of the City Mission Chapel, on Summer street in Worcester, *ex officio*, and their successors, are hereby constituted a body corporate, by the name of the Trustees of the Memorial Hospital, and they and their successors shall remain a body corporate by that name forever. And the said trustees shall have power and authority, from time to time, as they may by their by-laws

Name and purpose. Trustees may elect officers of corporation,

prescribe, to elect a president, secretary and treasurer, and such other officers of said corporation as they shall judge necessary, and prescribe the tenure and duties of said officers, and to fill all vacancies in said board of trustees as they may occur: *provided*, such vacancies shall be filled by an election, at which at least two-thirds as many votes shall be cast for any candidate as there are existing and remaining trustees in number, at a meeting of said trustees duly called and notified for the purpose of such election. The first meeting of said corporation may be called by said Moen, by notifying each member thereof of the time and place of such meeting, seven days at least before the time thereof, by a written or printed notice delivered to them personally, or sent through the post-office; and all subsequent meetings shall be called and notified in such manner as may be prescribed, from time to time, by the by-laws of the corporation.

—fill vacancies in board of trustees.

Proviso.

First meeting of corporation.

SECTION 2. Said trustees may accept, receive, hold, conduct and manage all moneys given and devised by the last will and testament of the late Ichabod Washburn, Esq., of Worcester, for founding and maintaining a Memorial Hospital in Worcester, and all other moneys which may hereafter be given or devised to them for the purposes of said hospital, not exceeding four hundred thousand dollars in the whole, and may take and hold lands and real estate to be acquired by devise, grant, purchase or otherwise, for the uses and purposes of said hospital, of the value of one hundred thousand dollars. Said trustees and their successors shall provide and maintain a suitable hospital, and shall afford care, comfort and relief to the sick and suffering who may require superior medical and surgical skill and science, and are, in the judgment of the trustees thereof, and in accordance with such rules as the trustees and visitors may from time to time prescribe, fit and proper subjects for treatment therein, having, in all their doings, reasonable reference in regard to the wishes, purposes and intentions of said Washburn, and any other donor or benefactor as expressed in any instrument or written declaration of gift or devise of any real or personal estate in the uses, management and conduct of said hospital, and any moneys or estate which may be given to said trustees or accepted by them for the purposes thereof; and said trustees shall be subject to all the duties, restrictions and liabilities, and have all the powers and privileges set forth in all general laws which now are or may hereafter be in force applicable to such corporations, and shall in all things, so far as the same can reasonably and lawfully be done, comply with the terms of said will.

Trustees may hold, &c., moneys under will of Ichabod Washburn, and from other sources.

Powers and duties.

Board of visitors, of whom to consist.

SECTION 3. There shall be a board of visitors of said hospital, to consist of the following officers for the time being, and their successors in said offices, *ex officio*, viz: the judge of probate for the county of Worcester, the chairman of the county commissioners for said county, or whoever shall perform the duties of that office, if the name of it shall be changed, the superintendent of the Massachusetts Insane Hospital at Worcester, the mayor of the city of Worcester, the district-attorney for the county of Worcester, or the officer by whatever name who shall do the duties of that office, and the sheriff of the county of Worcester, whose duty it shall be to visit and examine said hospital as often as they shall judge proper, and inquire into and examine as to the management and conduct of the same, and to ascertain if the purposes and objects thereof are being carried out in good faith by said trustees; and they may at all suitable times examine any and all books of record or accounts of the transactions of said trustees. And all rules and regulations for the conduct and management of said hospital, its officers and employees, made by said trustees, shall be approved by said visitors in order to their becoming of binding effect and obligation. Said visitors may exercise such farther powers in respect to said hospital as are prescribed and set forth in the said last will and testament of said Washburn.

Rules and regulations made by trustees subject to approval of board of visitors.

SECTION 4. This act shall take effect upon its passage.

Approved March 8, 1871.

Chap. 88. AN ACT TO INCORPORATE THE NORTH BRIDGEWATER AGRICULTURAL SOCIETY.

Be it enacted, §c., as follows :

Corporators.

SECTION 1. Henry W. Robinson, Loring W. Puffer, Charles R. Ford, their associates and successors, are hereby made a corporation under the name of the North Bridgewater Agricultural Society, and established in the town of North Bridgewater, for the encouragement of agriculture, horticulture, and the mechanic arts, by premiums and other means, in the county of Plymouth; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations; and said corporation is hereby authorized to hold by gift, grant, devise or otherwise, real and personal estate to an amount not exceeding fifty thousand dollars, for the purposes aforesaid.

Name and purpose.

Powers and duties.

Real and personal estate.

SECTION 2. This act shall take effect upon its passage.

Approved March 8, 1871.

AN ACT TO INCORPORATE THE DUXBURY WHARF COMPANY AND FOR *Chap. 89.*
OTHER PURPOSES.

Be it enacted, &c., as follows :

SECTION 1. Stephen N. Gifford, Joshua E. Drew, Stephen Corporators.
M. Allen, Luther Pierce and John H. Nickerson, their asso-
ciates and successors, are hereby made a corporation by the
name of the Duxbury Wharf Company, for the purpose of building a wharf and improving flats, at the south side of
Captain's Hill, so called, in the town of Duxbury ; with all
the powers and privileges, and subject to all the duties, re-
strictions and liabilities set forth in all general laws that now
are or may hereafter be in force applicable to such corpora-
tions.

Name and pur-
pose.

Powers and
duties.

SECTION 2. The capital stock of said corporation shall be
ten thousand dollars, to be divided into shares of one hun-
dred dollars each.

Capital stock
and shares.

SECTION 3. License is hereby given to said corporation to
construct a wharf at the south side of Captain's Hill, so
called, in Duxbury, not to exceed one thousand feet in length
along the shore, and not to extend toward or into the chan-
nel beyond such point as the board of harbor commissioners
may designate, subject to the provisions of section four of
chapter one hundred and forty-nine of the acts of the year
eighteen hundred and sixty-six, and chapter four hundred
and thirty-two of the acts of the year eighteen hundred and
sixty-nine.

May construct
wharf in Dux-
bury.

Not to be ex-
tended beyond
line established
by harbor com-
missioners.

SECTION 4. Said corporation is hereby authorized to take
such lands and flats as it may deem necessary for the pur-
pose of said harbor improvements and wharves or store houses,
at the point aforesaid, together with what upland for rail-
road depots or tracks may be necessary, or for other buildings
together with the right to take gravel or earth for filling in
said flats, or making said improvements : *provided*, that not
more upland than one thousand feet square of said shore
shall be taken at said point for said purpose ; and *provided*,
that the laws of the Commonwealth relating to taking lands
for railroad purposes and the location and construction of
railroads, shall be applicable to and govern the proceedings
in the taking of the lands described in this and the preced-
ing sections.

May take lands
and flats,
wharves, &c.

Proviso.

SECTION 5. This act shall take effect upon its passage.

Approved March 8, 1871.

AN ACT TO AUTHORIZE THE VERMONT AND MASSACHUSETTS RAIL-
ROAD COMPANY TO LEASE A PART OF ITS RAILROAD. *Chap. 90.*

Be it enacted, &c., as follows :

SECTION 1. The Vermont and Massachusetts Railroad
Company may lease to the Rutland Railroad Company that
Vermont and
Mass. Railroad
may lease por-

tion of road to
Rutland Rail-
road Company.

part of its railroad situated between Grout's corner in the town of Montague and Brattleborough, in the state of Vermont, for the term of fifteen years from the first day of December, in the year eighteen hundred and seventy: *provided*, that the lessees of said road shall afford facilities and accommodations to the people on the line thereof, at the several stations, at least equal to those heretofore furnished by the Vermont and Massachusetts Railroad Company.

SECTION 2. This act shall take effect upon its passage.

Approved March 8, 1871.

Chap. 91.

AN ACT FOR THE BETTER DISCOVERY OF TESTIMONY AND THE PROTECTION OF WITNESSES BEFORE THE JOINT SPECIAL COMMITTEE ON THE STATE POLICE.

Be it enacted, &c., as follows:

Witnesses be-
fore joint spe-
cial committee
on the State
police to be
protected.

SECTION 1. No person who is called as a witness before the joint special committee on the state police, shall be excused from answering any question or from the production of any paper relating to any corrupt practice or improper conduct of the state police, forming the subject of inquiry by such committee, on the ground that the answer to such question or the production of such paper may criminate or tend to criminate himself, or to disgrace him or otherwise render him infamous, or on the ground of privilege; but the testimony of any witness examined before said committee upon the subject aforesaid or any statement made or paper produced by him upon such an examination, shall not be used as evidence against such witness in any civil or criminal proceeding in any court of justice; *provided, however*, that no official paper or record, produced by such witness on such examination, shall be held or taken to be included within the privilege of said evidence so to protect such witness in any civil or criminal proceeding as aforesaid, and that nothing in this act shall be construed to exempt any witness from prosecution and punishment for perjury committed by him in testifying as aforesaid.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved March 8, 1871.

Chap. 92.

AN ACT TO INCORPORATE THE LEXINGTON SAVINGS BANK.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Sergeant C. Whiteher, George W. Robinson, Warren E. Russell, Charles Brown, Matthew H. Merriam, George L. Stratton, Richard D. Blinn, Charles C. Goodwin, Isaac N. Damon, Bradley C. Whiteher, Charles Hudson, Edward Reed, Thomas B. Hosmer, their associates and successors, are hereby made a corporation by the name of the

Name.

Lexington Savings Bank, to be established in the town of Lexington; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws, which now are or may hereafter be in force applicable to institutions for savings. Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved March 11, 1871.

AN ACT TO INCORPORATE THE HYDE PARK SAVINGS BANK.

Chap. 93.

Be it enacted, &c., as follows:

SECTION 1. Henry Grew, Martin L. Witcher, James Downing, their associates and successors, are hereby made a corporation by the name of The Hyde Park Savings Bank, to be established in Hyde Park; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws, which now are or may hereafter be in force, applicable to institutions for savings. Corporators.
Name.
Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved March 11, 1871.

AN ACT TO INCORPORATE THE MILLBURY BUILDING COMPANY.

Chap. 94.

Be it enacted, &c., as follows:

SECTION 1. John Rhodes, Peter Simpson, junior, Simon Farnsworth, George N. Smith and Bion B. Howard, their associates and successors, are hereby made a corporation under the name of the Millbury Building Company, for the purpose of erecting a building or buildings in Millbury, and maintaining the same, for the purposes of offices, a hall, stores, or any other lawful purpose; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws, which now are or may hereafter be in force, applicable to said corporation. Corporators.
Name and purpose.
Powers and duties.

SECTION 2. Said corporation shall have a capital stock of twenty-five thousand dollars, divided into shares of one hundred dollars each, with liberty to pay in and increase the same to an amount not exceeding one hundred thousand dollars: *provided*, said corporation shall incur no liability until fifteen thousand dollars of its capital stock shall have been paid in in cash. Capital stock and shares.

SECTION 3. This act shall take effect upon its passage.

Approved March 11, 1871.

AN ACT TO INCORPORATE THE WESTFIELD WATER WORKS.

Chap. 95.

Be it enacted, &c., as follows:

SECTION 1. Samuel Fowler, Henry Holland, Edward B. Gillett, their associates and successors, are hereby made a corporation by the name of the Westfield Water Works, for Corporators.
Name and purpose.

Powers and duties.	the purpose of supplying the inhabitants of the town of Westfield with pure water; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force, applicable to such corporations.
Real and personal estate.	SECTION 2. Said corporation may, for the purposes aforesaid, hold real and personal estate not exceeding in value its capital stock, which shall be fifty thousand dollars, with authority to increase by vote of said corporation, to seventy-five thousand dollars, which shall be divided into shares of one hundred dollars each.
Capital stock and shares.	
May take and convey water from ponds and brooks north of Westfield river, in Westfield.	SECTION 3. Said corporation may take, hold and convey, through the town and village of Westfield, the water of any natural pond or ponds, brook or brooks, within said town north of the Westfield river, and may take and hold real estate and rights of way necessary for laying and maintaining aqueducts, water-pipes and reservoirs, to such extent as may be necessary and appropriate for the purposes of said corporation. They shall within sixty days from the time of taking any lands, rights of way, ponds or brooks, as before provided, file in the office of the registry of deeds in the county of Hampden, a description of the lands, rights of way, ponds or brooks so taken, as certain as is required in a conveyance of land, and a statement of the purpose for which the same is taken, signed by the president of said company.
To file description of land in registry of deeds.	
May make aqueducts and establish reservoirs and hydrants.	SECTION 4. Said corporation may make aqueducts from any sources before mentioned, through any part of the town and village of Westfield, and may maintain the same by suitable works and repairs; may establish reservoirs and hydrants, and may distribute the water throughout said village by laying down pipes, and may from time to time establish prices or rents for the supply or use of such water, and for the purposes aforesaid, with permission of the selectmen, may enter upon and use any roads, streets or bridges, so as not unnecessarily to hinder public travel thereon.
Damages determined as in case of land taken for highways.	SECTION 5. In case of disagreement between said corporation and the owners of any of the property or interests taken as herein authorized, all damages therefor shall be ascertained, determined and recovered in the manner provided by law in the case of land taken for highways.
May issue bonds payable in thirty years.	SECTION 6. For the purpose of aiding the said corporation in paying the costs and expenses of supplying the town and village of Westfield with pure water, the said town of Westfield is hereby authorized, by vote in legal town meeting, in which the subject-matter is stated in the warrant

within three years from the passage of this act, to issue their bonds for the benefit of said corporation, to the extent of thirty thousand dollars, with interest, payable semi-annually at any place in this Commonwealth, and the principal to be paid not more than thirty years from the passage of said vote. Said bonds shall be signed by the treasurer of said town and countersigned by the chairman of the selectmen, and a record thereof shall be made and kept by the treasurer. They may be issued for the benefit of said corporation upon such terms and conditions as may be agreed upon between the parties, except that in consideration thereof the said corporation shall be bound to furnish water through such hydrants or other proper sources of supply as may be set up by said town for fire purposes and for public uses in said town so long as said bonds shall be unredeemed by said corporation. Said town is also authorized to hold stock in said corporation to the extent of thirty thousand dollars, which stock so held shall not be subject to taxation, and to carry out and provide for by assessments and taxation any of the purposes and acts herein authorized.

Bonds to be signed by town treasurer and countersigned by chairman of selectmen.

SECTION 7. In case the said bonds shall be so issued for the benefit of said corporation, the said town is hereby authorized and empowered to purchase by any proper conveyance, or in default thereof, to enter upon and possess all the rights, interests, property and franchise of said corporation at any time, upon payment to the stockholders of the par value of their stock, and of a sum which in addition to the dividends paid thereon shall be sufficient to make the dividends eight per centum per annum from the time when the water supply of said corporation commences, up to the time of said purchase.

Town may take franchise and property upon payment of par value to stockholders.

SECTION 8. Manufacturing and other corporations doing business in said town of Westfield, are authorized to subscribe for and hold the stock of the corporation hereby established.

Other corporations in Westfield may take stock.

SECTION 9. If any person shall use any of the water of said corporation without their consent, an action of tort may be maintained by them for the damage sustained. And if any person shall maliciously divert the water, or any part thereof of any of the sources of water which shall be owned or held by said corporation pursuant to the provisions of this act, or shall corrupt the same or render the water impure or destroy or injure any dam, aqueduct, pipe, conduit, hydrant or other works or property owned, held or used by said corporation, under the authority or for the purposes of this act, every such person shall pay to said corporation three

Penalty for using water without consent of corporation, or maliciously diverting water.

times the amount that shall be assessed therefor, to be recovered by any proper action. And any such person, on conviction of either of the wanton or malicious acts aforesaid, may also be punished by fine not exceeding one hundred dollars and imprisonment not exceeding six months.

SECTION 10. This act shall take effect upon its passage.

Approved March 11, 1871.

Chap. 96. AN ACT IN RELATION TO WIDENING BEACON STREET AND ADJACENT AVENUES IN THE CITY OF BOSTON.

Be it enacted, &c., as follows :

Street commissioners may widen certain streets in Boston.

SECTION 1. The board of street commissioners of the city of Boston, with the concurrence of the city council of said city, may widen, within the limits of said city, the following named streets and highways, viz.: Beacon street westerly from Gloucester street, Brighton avenue north-westerly from its intersection with Beacon street, and Brookline avenue south-westerly from its intersection with Beacon street, to such width as they in their judgment shall deem to be for the common benefit of the inhabitants of said city, and said city shall pay for the land and property so taken; which highways and streets said city of Boston shall not be obliged to complete sooner than the city council of said city may deem it expedient so to do.

SECTION 2. This act shall take effect upon its passage.

Approved March 11, 1871.

Chap. 97. AN ACT TO CONFER CERTAIN RIGHTS UPON GUARDIANS OF INSANE PERSONS AND MINORS.

Be it enacted, &c., as follows :

When property rights under will, &c., depend upon election or waiver of an insane person or minor guardian may act.

When property rights or benefits given by will duly proved and allowed or by any provision of law, depend upon the election, waiver or other act of a person incompetent by reason of insanity or minority to exercise or perform the same, the guardian of such person may make the election or waiver or perform such act.

Approved March 11, 1871.

Chap. 98. AN ACT TO INCORPORATE THE ASSOCIATION OF THE EVANGELICAL LUTHERAN CHURCH FOR WORKS OF MERCY.

Be it enacted, &c., as follows :

Corporators,

SECTION 1. Gottlieb F. Burkhardt, Paulina Burkhardt, Theodore Brohm, Charles J. O. Hanser, Augusta Hanser, Frederic Schlotterbeck, Jens Jensen Lund and Jacob Herthel, their associates and successors, are hereby made a corporation by the name of The Association of the Evangelical Lutheran Church for works of mercy, for the purpose of providing a temporary home for orphan children, and aged, weak and helpless persons; with all the powers and privi-

Name and purpose.

Powers and duties.

leges, and subject to all the duties, restrictions and liabilities set forth in all general laws that now are or may hereafter be in force applicable to such corporations.

SECTION 2. Said corporation may hold for the purpose aforesaid, real and personal estate to the amount of one hundred thousand dollars. Real and personal estate.

SECTION 3. Said corporation is authorized to establish a cemetery in that part of West Roxbury known as and called the Brook Farm, subject to the approval of the town of West Roxbury. Cemetery at Brook Farm.

SECTION 4. This act shall take effect upon its passage.

Approved March 18, 1871.

AN ACT TO INCORPORATE THE MARBLEHEAD SAVINGS BANK.

Chap. 99.

Be it enacted, &c., as follows :

SECTION 1. Jonathan H. Orne, Isaac C. Wyman, Nathan P. Sanborn and Thomas Garney, their associates and successors, are hereby made a corporation by the name of the Marblehead Savings Bank, to be located in the town of Marblehead ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to institutions for savings. Corporators.
Name.
Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved March 18, 1871.

AN ACT TO INCORPORATE THE YOUNG MEN'S CHRISTIAN ASSOCIATION OF FITCHBURG.

Chap. 100

Be it enacted, &c., as follows :

SECTION 1. J. C. Moulton, George S. Houghton, Henry F. Cogshall, their associates and successors, are hereby made a corporation by the name of the Young Men's Christian Association of Fitchburg, to be located in the town of Fitchburg, for the purpose of promoting the physical, moral and spiritual welfare of young men ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations. Corporators.
Name and purpose.
Powers and duties.

SECTION 2. Said corporation may hold real and personal estate, not exceeding fifty thousand dollars in value, for the purposes aforesaid. Real and personal estate.

SECTION 3. This act shall take effect upon its passage.

Approved March 18, 1871.

Chap. 101 AN ACT TO AUTHORIZE THE SALEM GAS LIGHT COMPANY TO INCREASE ITS CAPITAL STOCK.

Be it enacted, &c., as follows :

\$200,000 additional capital stock.

SECTION 1. The Salem Gas Light Company is hereby authorized to increase its capital stock by an amount not exceeding two hundred thousand dollars in addition to the amount heretofore authorized by law, at such times and in such sums as the stockholders may determine, to be divided into shares of one hundred dollars each, and subject to the provisions contained in section one of chapter one hundred and seventy-nine of the acts of the year eighteen hundred and seventy.

SECTION 2. This act shall take effect upon its passage.

Approved March 18, 1871.

Chap. 102 AN ACT TO INCORPORATE THE BOSTON AND PROVINCETOWN STEAM-BOAT COMPANY.

Be it enacted, &c., as follows :

Corporators.

Name and purpose.

Powers and duties.

May build or purchase steam tug, &c.

Capital stock and shares.

Proviso.

SECTION 1. Samuel S. Learnard, George D. Shattuck, Benjamin B. Hamblin, their associates and successors, are hereby made a corporation by the name of the Boston and Provincetown Steamboat Company, located in Boston, for the purpose of transporting passengers and merchandise between Boston and Provincetown, and of towing vessels ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force, applicable to such corporations.

SECTION 2. Said corporation may build, purchase, hire and employ, one or more vessels or steam-tugs, with such apparatus and appendages as may be necessary for steam navigation and the purposes aforesaid.

SECTION 3. Said corporation may have a capital stock not exceeding in amount sixty thousand dollars, divided into shares of one hundred dollars each, and may hold real estate to an amount not exceeding twenty thousand dollars of its capital stock : *provided, however*, that said corporation shall incur no liability until fifty per centum of its capital stock shall have been paid in in cash.

SECTION 4. This act shall take effect upon its passage.

Approved March 18, 1871.

Chap. 103 AN ACT TO INCORPORATE THE WOLLASTON HOTEL COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Moses Fairbanks, Horace Partridge, George F. Pinkham, George C. Luddington, Farrington McIntire, their associates and successors, are hereby made a corpora-

tion by the name of the Wollaston Hotel Company, for the purpose of erecting and maintaining, at Wollaston Heights, in the town of Quincy, buildings necessary and convenient for a public house; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force, applicable to such corporations.

Name and purpose.

Powers and duties.

SECTION 2. The capital stock of said corporation shall not exceed one hundred thousand dollars, and shall be divided into shares of the par value of one hundred dollars each; and said corporation may hold such real and personal property as may be necessary and convenient for the purposes aforesaid, not exceeding the amount of the capital stock: *provided*, said corporation shall incur no liability until twenty-five thousand dollars of its capital stock shall have been paid in in cash.

Capital stock and shares.

Real and personal estate.

Proviso.

SECTION 3. No bar for the sale of intoxicating liquors shall ever be kept in such public house.

Bar not to be kept in the house.

SECTION 4. This act shall take effect upon its passage.

Approved March 18, 1871.

AN ACT TO AUTHORIZE THE DUXBURY AND COHASSET RAILROAD COMPANY TO EXTEND ITS RAILROAD, AND FOR OTHER PURPOSES.

Chap. 104

Be it enacted, §c., as follows :

SECTION 1. The Duxbury and Cohasset Railroad Company is hereby authorized to extend its railroad in the town of Duxbury to tide-water, to a point at or near "Captain's Hill," so called, in said town; and is also authorized to extend its railroad through the towns of Duxbury and Kingston to a point on the Old Colony and Newport Railway in said Kingston, under the provisions of all general laws relative to railroad corporations.

May extend road to tide-water in Duxbury, and to Old Colony Railroad in Kingston.

SECTION 2. At all meetings of said Duxbury and Cohasset Railroad Company, any corporation owning stock therein shall be entitled to one vote for each share of stock so owned by it.

Each share of stock entitled to one vote.

SECTION 3. For the purposes aforesaid, the Duxbury and Cohasset Railroad Company may increase its capital stock by the issue of one thousand shares in addition to the stock now authorized by law.

May increase capital stock.

SECTION 4. This act shall take effect upon its passage; and the provisions relative to the extension of its railroad, and the issue of new stock, shall be void so far as the powers herein granted are not exercised within three years from the passage hereof.

Extension of road &c., to be made within three years.

Approved March 18, 1871.

Chap. 105 AN ACT TO AUTHORIZE THE TOWN OF DUDLEY TO RAISE FIFTEEN THOUSAND DOLLARS FOR NICHOLS ACADEMY.

Be it enacted, &c., as follows:

May raise \$15,000 by loan, &c., for the benefit of Nichols Academy.

SECTION 1. The town of Dudley is hereby authorized to raise, by issuing its bonds, or by loan or tax, a sum not exceeding fifteen thousand dollars, to be appropriated and paid out of the treasury of the town, to the trustees of Nichols Academy, for the purposes named in the act incorporating that institution: *provided*, that at a legal meeting, called for that purpose, a majority of the voters present, and voting thereon, and using the check list, shall vote to raise the said amount, or a part thereof, for the said object.

SECTION 2. This act shall take effect upon its passage.

Approved March 18, 1871.

Chap. 106 AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF BERKSHIRE COUNTY TO BORROW MONEY.

Be it enacted, &c., as follows:

May borrow twenty-eight thousand dollars for furnishing new court house in Pittsfield, grading grounds, building barn, &c.

SECTION 1. The county commissioners of Berkshire County, are hereby authorized to borrow on the credit of said county, a sum not exceeding twenty-eight thousand dollars, to be expended by them in furnishing the several rooms, apartments and offices of the new court house in Pittsfield, with necessary and suitable furniture, filling and grading the grounds around the court house, jail and house of correction, and fencing the same; building a barn and out-buildings for the jail and house of correction; constructing prison yard, and doing such other things as are necessary to be done in and around said buildings.

SECTION 2. This act shall take effect upon its passage.

Approved March 18, 1871.

Chap. 107 AN ACT TO REVIVE CHAPTER ONE HUNDRED AND NINETY-FOUR OF THE ACTS OF EIGHTEEN HUNDRED AND SIXTY-EIGHT, AUTHORIZING THE BUILDING OF A HIGHWAY AND BRIDGE ACROSS NORTH RIVER, IN SOUTH SCITUATE AND MARSHFIELD.

Be it enacted, &c., as follows:

Time extended for laying out highway and bridge in Plymouth county.

SECTION 1. Chapter one hundred and ninety-four of the acts of the year eighteen hundred and sixty-eight is hereby revived and continued in force, and the time within which the county commissioners for the county of Plymouth may lay out the highway and bridge therein authorized is hereby extended to the first day of May, in the year eighteen hundred and seventy-three.

SECTION 2. This act shall take effect upon its passage.

Approved March 18, 1871.

AN ACT TO AMEND AN ACT FOR THE ABATEMENT OF A NUISANCE IN THE CITY OF BOSTON, AND FOR THE PRESERVATION OF THE PUBLIC HEALTH IN SAID CITY.

Chap. 108

Be it enacted, §c., as follows :

SECTION 1. Section two of chapter two hundred and seventy-seven of the acts of the year eighteen hundred and sixty-eight, is hereby amended, so that the time within which a bill in equity may be filed under the provisions of said section, is extended to the thirteenth day of July, in the year eighteen hundred and seventy-two.

Amendment to 1868, 277, § 2.

SECTION 2. This act shall take effect upon its passage.

Approved March 18, 1871.

AN ACT RELATING TO THE CAPITAL STOCK OF CO-OPERATIVE ASSOCIATIONS.

Chap. 109

Be it enacted, §c., as follows :

SECTION 1. Chapter one hundred and seventy-nine of the acts of the year eighteen hundred and seventy, shall not be deemed to apply to co-operative associations.

Provision of 1870, 179, not to apply to co-operative associations.

SECTION 2. This act shall take effect upon its passage.

Approved March 22, 1871.

AN ACT IN ADDITION TO AN ACT CONCERNING MANUFACTURING AND OTHER CORPORATIONS.

Chap. 110

Be it enacted, §c., as follows :

SECTION 1. Sections two and twenty-four of chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy, entitled an act concerning manufacturing and other corporations, are hereby so far amended that corporations may be hereafter organized for the purpose of carrying on any mechanical or manufacturing business authorized by said act, with a capital of not less than five thousand and not more than one million dollars.

Amendment to 1870, 224, §§ 2, 24.

SECTION 2. Corporations heretofore organized under any general law or created by special charter for purposes mentioned in section one of this act, may increase their capital to an amount not exceeding one million dollars, and may reduce the same, subject to the provisions of chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy.

Capital not less than \$5,000, nor more than \$1,000,000. Corporations may increase and reduce capital.

SECTION 3. Corporations created by special charter, whose capital stock is increased under the authority of this act, may hold real estate necessary for the purposes for which they were organized, not to exceed in amount three-fourths of their capital stock.

Corporations under special charters whose capital is increased may hold real estate, &c.

SECTION 4. Corporations which by law are, or shall be, required to make and file the certificate mentioned in section

Corporations required to file not obliged to

publish notice,
&c.

thirty-three of chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy, shall not be required to make or publish the notice mentioned in section sixty-three of said act.

Corporations
subject to pro-
visions of act of
March 3, 1869,
shall make and
file certificate
under penalty.

SECTION 5. Corporations subject to the provisions of the act approved March third, in the year eighteen hundred and nine, entitled an act defining the powers and duties of manufacturing corporations, shall make and file the certificate required by the thirty-third section of chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy, subject to the penalty in said act provided for failure to make and file such certificate.

SECTION 6. This act shall take effect upon its passage.

Approved March 22, 1871.

Chap. 111

AN ACT IN RELATION TO PARTITION OF LANDS.

Be it enacted, §c., as follows :

Court may or-
der commis-
sioners to sell
such lands as
cannot be ad-
vantageously
divided, and to
distribute pro-
ceeds.

SECTION 1. In making partition of lands held by joint-tenants, coparceners or tenants-in-common, at the time of appointing commissioners or subsequently, by agreement of parties or after such notice to all persons interested as shall have been ordered, the court may order the commissioners to make sale and conveyance of the whole or any part of such lands as cannot be advantageously divided, upon such terms and conditions, and with such securities for the proceeds thereof as the court may direct in such order, and to distribute and pay over the proceeds of the sale in such manner as to make the partition just and equal. Such sale shall be at public auction, after like notice required for the sale of lands by administrators, and the evidence thereof may be perpetuated in like manner, by returns filed with the clerk, register or recording officer of the court where the proceedings are had. The conveyance shall be made by the commissioners and shall be conclusive against all parties to the proceedings of partition and those claiming by, through or under them.

Sale to be by
public auction.

Share remain-
ing unpaid at
time of confirm-
ing proceedings
to be deposited
in savings bank.

SECTION 2. When any distributive share of the money arising from such sale remains unpaid at the time of confirming the proceedings or establishing the partition by the courts, the commissioners shall deposit the same in such saving bank or banks, or other like institutions as the court may direct, in the name of the judge of the probate court for the county, to accumulate for the person entitled thereto, subject to like provisions contained in sections eight and nine of chapter one hundred and one of the General Statutes.

SECTION 3. Chapter two hundred and fifty-seven of the acts of the year eighteen hundred and seventy is hereby repealed; but such repeal shall not affect proceedings now pending in any court.

Repeal.

SECTION 4. This act shall take effect upon its passage.

Approved March 22, 1871.

AN ACT TO REQUIRE A RETURN OF THE AMOUNTS PAID FOR ASSESSING AND COLLECTING TAXES IN THE YEAR EIGHTEEN HUNDRED AND SEVENTY.

Chap. 112

Be it enacted, &c., as follows:

SECTION 1. The secretary of the Commonwealth shall, as soon as may be after the passage of this act, send a copy thereof to the clerk of each city and town, and said clerks shall within thirty days after receiving such copies, return to the secretary a true and certified statement of the amount paid for assessing the taxes in their respective cities and towns for the year eighteen hundred and seventy, and for collecting the same, each separately, together with the per centum of each upon the whole amount so assessed and collected.

Clerks of cities and towns to return to secretary amounts paid for assessing taxes, and for collecting the same, for the year 1870.

SECTION 2. This act shall take effect upon its passage.

Approved March 22, 1871.

AN ACT FOR THE BETTER PROTECTION OF BLACK BASS.

Chap. 113

Be it enacted, &c., as follows:

SECTION 1. That in section thirty of chapter three hundred and eighty-four, of the acts of the year eighteen hundred and sixty-nine, the word July be substituted for the word June.

Amendment to 1869, 384, § 30.

SECTION 2. This act shall take effect upon its passage.

Approved March 22, 1871.

AN ACT IN RELATION TO THE DISSOLUTION OF ATTACHMENTS.

Chap. 114

Be it enacted, &c., as follows:

SECTION 1. Whenever in an action against several defendants, the individual property of any one of such defendants is attached, the defendant whose property is thus attached may give bond with sufficient sureties, with condition to pay to the plaintiff in such action the amount, if any, which such plaintiff shall recover therein against him alone or jointly; and such attachment shall thereupon be dissolved.

When property of one defendant is attached in action against several defendants, attachment may be dissolved upon giving his bond to respond to judgment.

SECTION 2. Such attachments shall in all other respects be dissolved in the manner prescribed for dissolving attachments, by chapter one hundred and twenty-three of the General Statutes, and the acts passed subsequently relating thereto.

Attachments dissolved in other respects as provided in G. S. 123.

SECTION 3. This act shall take effect upon its passage.

Approved March 22, 1871.

Chap. 115 AN ACT TO INCREASE THE JURISDICTION OF TRIAL JUSTICES OVER CERTAIN OFFENCES.

Be it enacted, &c., as follows :

Amendment to
G. S. 120, § 38.

SECTION 1. The thirty-eighth section of chapter one hundred and twenty of the General Statutes, is hereby amended by striking out the word ten and inserting the word thirty.

SECTION 2. This act shall not affect any pending prosecution.

Approved March 22, 1871.

Chap. 116 AN ACT TO AMEND CHAPTER ONE HUNDRED AND NINE OF THE GENERAL STATUTES, RELATING TO THE GUARDIANSHIP OF MINORS.

Be it enacted, &c., as follows :

Amendment to
G. S. 109, § 4.

SECTION 1. Section four of chapter one hundred and nine of the General Statutes is hereby amended, by striking out the words "while she remains unmarried."

SECTION 2. This act shall take effect upon its passage.

Approved March 22, 1871.

Chap. 117 AN ACT TO AUTHORIZE THE CLARKE INSTITUTION FOR DEAF MUTES TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, &c., as follows :

\$200,000 additional real estate.

SECTION 1. The Clarke Institution for Deaf Mutes is hereby authorized to hold real and personal estate, for the purposes named in its act of incorporation, to an amount not exceeding two hundred thousand dollars, in addition to the amount it is now authorized to hold.

SECTION 2. This act shall take effect upon its passage.

Approved March 22, 1871.

Chap. 118 AN ACT TO REVIVE THE CITY BANK OF LYNN FOR CERTAIN PURPOSES.

Be it enacted, &c., as follows :

Charter revived for the purpose of transferring, &c., mortgages of real estate.

SECTION 1. The corporation heretofore known as the President, Directors and Company of the City Bank of Lynn, is hereby revived and continued for the purpose of enabling the president and surviving directors of said bank at the time when the same became an association for carrying on the business of banking under the laws of the United States, to convey, assign and transfer or discharge any and all mortgages of real estate held by the said bank, and for no other purpose whatever.

SECTION 2. This act shall take effect upon its passage.

Approved March 22, 1871.

Chap. 119 AN ACT TO INCREASE THE CAPITAL STOCK OF THE LOWELL GAS COMPANY.

Be it enacted, &c., as follows :

\$300,000 additional capital stock.

SECTION 1. The Lowell Gas Company is hereby authorized to increase its capital stock by an amount not exceeding

three hundred thousand dollars, and to invest the same in real and personal estate, necessary and convenient for carrying on the business of said company, and subject to the provisions of chapter one hundred and seventy-nine of the acts of eighteen hundred and seventy.

SECTION 2. This act shall take effect upon its passage.

Approved March 22, 1871.

AN ACT TO INCORPORATE THE WAKEFIELD REAL ESTATE AND BUILDING ASSOCIATION.

Chap. 120

Be it enacted, &c., as follows :

SECTION 1. Cyrus Wakefield, Daniel Allen, Mason S. Southworth, their associates and successors, are hereby made a corporation, during and for the term of twenty years from the passage of this act, by the name of the Wakefield Real Estate and Building Association, for the purpose of purchasing, selling, leasing and improving real estate in the towns of Wakefield and Stoneham, not exceeding two hundred acres ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are, or hereafter may be in force applicable to such corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation shall have a capital stock of one hundred thousand dollars, divided into shares of one hundred dollars each, with liberty to increase the same to an amount not exceeding two hundred thousand dollars : *provided, however*, that said corporation shall incur no liability until seventy-five thousand dollars of its capital stock shall have been paid in in cash.

Capital stock and shares.

SECTION 3. This act shall take effect upon its passage.

Approved March 22, 1871.

AN ACT TO CHANGE THE NAME OF THE HITCHCOCK FREE GRAMMAR SCHOOL, AND FOR OTHER PURPOSES.

Chap. 121

Be it enacted, &c., as follows :

SECTION 1. The Hitchcock Free Grammar School, in the town of Brimfield, shall hereafter be called and known as the Hitchcock Free High School.

Name changed.

SECTION 2. Said corporation may hold real and personal property for the purposes named in its act of incorporation to an amount not exceeding one hundred thousand dollars.

Real and personal estate.

SECTION 3. This act shall take effect upon its passage.

Approved March 23, 1871.

AN ACT REVISING THE SEVERAL STATUTES REQUIRING OATHS TO PROCEEDINGS IN PROBATE COURTS.

Chap. 122

Be it enacted, &c., as follows :

SECTION 1. Oaths required in proceedings in probate courts may be administered by the judge or register in or

Oaths may be administered by judge or re-

gister in or out of court, or by a justice of the peace.

out of court or by a justice of the peace, and when administered out of court a certificate thereof shall be returned and filed or recorded with the proceedings: *provided*, that the judge may require any such oath to be taken before him in open court.

Repeal.

SECTION 2. Section fourteen, and so much of sections twenty-three and forty-one of chapter one hundred and two as relates to oaths, and sections twenty-seven and twenty-eight of chapter one hundred and seventeen of the General Statutes, chapter three hundred and fifty-eight of the acts of the year eighteen hundred and sixty-nine, and chapters one hundred and forty-five and two hundred and seventy-seven of the acts of the year eighteen hundred and seventy, are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved March 23, 1871.

Chap. 123

AN ACT RELATING TO RECORDING LEVIES OF EXECUTIONS ON LANDS NOT ATTACHED ON MESNE PROCESS.

Be it enacted, &c., as follows:

Provisions of 1870, 264, § 1, extended.

The provisions of the first section of chapter two hundred and sixty-four of the acts of the year eighteen hundred and seventy, shall apply to the levy of executions in cases under chapter one hundred and ninety of the acts of the year eighteen hundred and sixty two.

Approved March 24, 1871.

Chap. 124

AN ACT TO PROVIDE FOR THE USE OF A CHECK LIST IN THE ELECTION OF THE OFFICERS OF FIRE DISTRICTS.

Be it enacted, &c., as follows:

Check lists to be used at elections in fire districts.

SECTION 1. The selectmen of towns, containing fire districts, shall at least ten days before the annual fire district election, make correct alphabetical lists of all the persons qualified to vote in such election, for the several officers to be elected, shall cause such lists to be posted up in two or more public places in said district, and shall perform the same duties in reference to the correction of said lists as they are now required by law to perform in reference to the correction of check lists for town elections.

Duties to be performed by prudential committee where district is composed of different towns. G. S. 7, §§ 9, 12, 13 to apply.

SECTION 2. In fire districts composed of portions of two or more towns, the duties which the preceding section requires the selectmen to perform, shall be performed by the prudential committee of said district.

SECTION 3. The provisions of sections nine, twelve and thirteen of chapter seven of the General Statutes, shall be so construed as to apply to fire districts.

SECTION 4. The polls at fire district elections shall be kept open not less than two hours and not more than six hours.

Polls to be kept open from two to six hours.

SECTION 5. This act shall take effect upon its passage.

Approved March 24, 1871.

AN ACT TO SECURE A MORE EQUAL APPORTIONMENT OF THE STATE AND COUNTY TAXES, UPON THE SEVERAL CITIES AND TOWNS.

Chap. 125

Be it enacted, &c., as follows :

SECTION 1. The tax commissioner shall be furnished by the secretary of the Commonwealth with the returns of the assessors of the several cities and towns required by chapter one hundred and sixty-seven of the acts of the year eighteen hundred and sixty-one, for the five years preceding the year eighteen hundred and seventy-two.

Returns of assessors to be furnished by secretary of Commonwealth to the tax commissioner.

SECTION 2. The treasurer of the Commonwealth shall prepare for the use of said tax commissioner an abstract from the returns made to him under an act entitled "an act levying a tax upon certain corporations," for the two years next preceding the year of his appointment, containing the names of all corporations having stock owned in any city or town in the Commonwealth ; also, the excess of the market value of all the capital stock of each corporation taxed by said act over the value of its real estate and machinery ; also, the whole number of shares of such corporation, and the number of shares owned in this Commonwealth, specifying the number of shares owned in each city and town by parties other than insurance companies, savings banks and institutions for savings.

Treasurer to prepare abstract for use of commissioner.

SECTION 3. The tax commissioner shall be authorized to require such further returns in addition to those provided for by this act from state, city, and town officers as in his judgment may be necessary ; and upon the returns herein provided and authorized, the commissioner shall proceed according to his best judgment and discretion to equalize and apportion upon the several cities and towns the number of polls, the amount of property and the proportion of every one thousand dollars of tax, including polls at half a mill each, which should be assessed upon each city and town ; and said commissioner shall perform the duties required by this act, and report the same in tabular form in print to the legislature, within one week from the first Monday in January next.

Tax commissioner may require further returns from city and other officers.

To apportion taxes, &c.

SECTION 4. The sergeant-at-arms is hereby directed to provide for the use of said commissioner a suitable room in the state house, and the tax commissioner is hereby authorized to employ such clerical assistance as may be needed, for the

Suitable room to be provided in state house.

purposes of this act, and may procure such stationery and other articles as may be required.

SECTION 5. This act shall take effect upon its passage.

Approved March 24, 1871.

Chap. 126

AN ACT TO CHANGE THE NAME OF THE TOWN OF NORTH CHELSEA.

Be it enacted, &c., as follows :

Name changed
to Revere.

SECTION 1. The town of North Chelsea shall take the name of Revere.

Subject to ac-
ceptance of
voters of town.

SECTION 2. This act shall not take effect unless accepted by a majority of the legal voters of said town, present and voting thereon by ballot, at a special meeting held upon notice given at least seven days before the time of said meeting. And the polls shall be opened at twelve o'clock, noon, of the day upon which such meeting shall be held, and shall not be closed previous to four o'clock nor remain open longer than six o'clock in the afternoon of said day.

Selectmen to
return vote to
secretary of
Common-
wealth.

SECTION 3. It shall be the duty of the selectmen of said town to certify and return to the secretary of the Commonwealth as soon as may be, the number of ballots in favor of the acceptance of this act, and the number of ballots against the acceptance thereof. And if it shall appear that a majority of such ballots is in favor of such acceptance, the said secretary shall immediately issue and publish his certificate, declaring that this act has been duly accepted.

Certificate of
acceptance to
issue.

SECTION 4. Said meeting shall be held within ninety days from the passage of this act.

Approved March 24, 1871.

Chap. 127

AN ACT TO REPEAL CHAPTER TWO HUNDRED AND EIGHT OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY, CONCERNING TRAVEL ON HAVERHILL BRIDGE.

Be it enacted, &c., as follows :

Repeal.

SECTION 1. Chapter two hundred and eight of the acts of the year eighteen hundred and seventy is hereby repealed.

SECTION 2. This act shall take effect on the first day of October next.

Approved March 24, 1871.

Chap. 128

AN ACT TO AUTHORIZE THE TOWN OF EDGARTOWN TO RAISE MONEY FOR THE PURPOSE OF OPENING A BOAT CHANNEL THROUGH SOUTH BEACH.

Be it enacted, &c., as follows :

May raise mon-
ey by taxation
to open boat
channel
through south
beach.

SECTION 1. The town of Edgartown is hereby authorized to raise at its annual meeting, or at a legal meeting called for the purpose, such sum or sums of money, by taxation or otherwise, as may be necessary for the purpose of opening a boat channel through the south beach in said town.

SECTION 2. Said town may choose at its annual meeting, or at a legal meeting called for the purpose, two or more commissioners to superintend the digging of the said channel, and to expend the money raised therefor.

Commissioners to be chosen to superintend work, &c.

SECTION 3. This act shall take effect upon its passage.

Approved March 24, 1871.

AN ACT TO INCORPORATE THE TRUSTEES OF THE BERKSHIRE ATHENÆUM.

Chap. 129

Be it enacted, &c., as follows :

SECTION 1. Thomas Allen, John Todd, Ensign H. Kellogg, Henry L. Dawes, Thomas Colt, Edwin Clapp, George Y. Learned, William R. Plunkett, Edward S. Francis, William F. Bartlett, James M. Barker, their associates and successors, are hereby made a body corporate by the name of the Trustees of the Berkshire Athenæum, for the purpose of establishing and maintaining in the town of Pittsfield an institution to aid in promoting education, culture and refinement, and diffusing knowledge by means of a library, reading-rooms, lectures, museums, and cabinets of art and historical and natural curiosities; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation may hold real and personal property for the purposes aforesaid to the amount of two hundred and fifty thousand dollars; and all gifts, devises and bequests thereto shall be devoted to such purposes exclusively, and used in conformity with the conditions made by any donor and expressed in writing: *provided*, such conditions are not inconsistent with the provisions of this act; and *provided, further*, that no part of such real and personal property, or such gifts, devises or bequests, shall ever be removed from the town of Pittsfield.

Real and personal property.

SECTION 3. The town of Pittsfield, so long as said corporation maintains a public library for the use of the inhabitants thereof, is hereby authorized to appropriate and pay money to aid in supporting such institution, the same as may be done by law for the support of public libraries, and said corporation may receive such appropriations as may be made.

Pittsfield may appropriate money for support of library.

SECTION 4. The trustees of such corporation shall have authority to fill all vacancies, in any manner occurring, but the number of said trustees shall never exceed eleven.

Trustees may fill vacancies in board.

SECTION 5. This act shall take effect upon its passage.

Approved March 24, 1871.

Chap. 130 AN ACT CONCERNING THE LANCASTER RAILROAD COMPANY.
Be it enacted, &c., as follows :

May mortgage
road, franchise,
&c.

SECTION 1. The Lancaster Railroad Company is hereby authorized to mortgage its road, franchise and equipage, and any of its property, real and personal, to an amount not exceeding three hundred thousand dollars, to secure such bonds as may be issued by said company under existing provisions of law.

May contract
with connect-
ing roads for
transportation
of freight and
passengers.

SECTION 2. Said company, and any railroad company whose road may connect with the road of said Lancaster Railroad Company, or whose road may enter upon or be entered upon by the road of said railroad company, are hereby authorized to contract from time to time, for all the transportation of persons and freight upon and over the said Lancaster Railroad, by said connecting road.

May lease road
and franchise.

SECTION 3. Said Lancaster Railroad Company is hereby authorized to lease its road and franchise, or any part thereof, to any railroad company named in section two, authorized to hire the same. The income arising from such contract of transportation or lease, shall be subject to the provisions of law in regard to the right of the state to purchase the roads or reduce their tolls in the same manner as that arising from the use of the roads.

SECTION 4. This act shall take effect upon its passage.

Approved March 24, 1871.

Chap. 131 AN ACT TO INCORPORATE THE BOSTON BASE BALL ASSOCIATION.
Be it enacted, &c., as follows :

Corporators.

SECTION 1. Ivers W. Adams, J. A. Conkey, Harrison Gardner, their associates and successors, are hereby made a corporation by the name of the Boston Base Ball Association, to be located in the city of Boston, for the purpose of promoting physical culture, and for the encouragement and improvement of the game of base ball ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, contained in all general laws which now are or may hereafter be in force, applicable to such corporations.

Name and pur-
pose.

Powers and
duties.

Capital stock
and shares.

SECTION 2. The capital stock of said corporation shall not exceed fifteen thousand dollars, and shall be divided into shares of one hundred dollars each ; and for the purposes aforesaid said corporation may hold and own, or take on leases, such land and buildings as may be requisite therefor : *provided, however*, that said corporation shall not incur any liability until ten thousand dollars of its capital stock shall have been subscribed for and paid in in cash.

May hold or
lease land.

SECTION 3. This act shall take effect upon its passage.

Approved March 24, 1871.

AN ACT TO INCORPORATE THE EVERETT AND CHELSEA STREET RAILWAY COMPANY.

Chap. 132

Be it enacted, &c., as follows :

SECTION 1. Alonzo H. Evans, William E. Titcomb and Anthony Waterman, their associates and successors, are hereby made a corporation by the name of the Everett and Chelsea Street Railway Company, with authority to build, maintain and operate a street railway, beginning at some convenient point in Chelsea square, and running through Malden street, Second and Cedar streets in Chelsea, and through Charlestown street and Hancock street, as far as Oak street, in the town of Everett, and through any other street or streets in that part of the town of Everett which lies south-easterly of Charlestown street; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to such corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation may connect with, enter upon and use with its own motive power, the track now laid and owned, or leased, by the Lynn and Boston Railroad Company in said square, and between said square and the Winnisimmet Ferry, in making their trips between Everett and said ferry; the compensation for such use to be determined according to the statutes in such case made and provided.

May connect with Lynn and Boston Railroad.

SECTION 3. The capital stock of said corporation shall not exceed sixty thousand dollars.

Capital stock.

SECTION 4. This act shall take effect upon its passage.

Approved March 24, 1871.

AN ACT FOR SUPPLYING THE CITY OF FALL RIVER WITH PURE WATER.

Chap. 133

Be it enacted, &c., as follows :

SECTION 1. The city of Fall River is hereby authorized to take, hold, and convey into and through the said city, by suitable aqueducts or pipes, the waters of the North Watuppa Pond, so called, in the said city, and the town of Westport, and the waters which may flow into the same; and may also take and hold by purchase or otherwise, any real estate, rights of way, water-rights or easements, necessary for erecting, laying or maintaining, and may erect, lay and maintain, such aqueducts, pipes, dams, gates, pumps, bridges, reservoirs, embankments, water-ways, drains, and other structures as may be necessary or convenient to insure the purity of the waters of said pond, or of any of the ponds or streams running into said North Watuppa Pond; or to convey said waters into and for the use of said city of Fall River.

City of Fall River may take water from North Watuppa Pond.

May take land for laying aqueducts, pipes, &c.

May take part
of the water
from pond.

SECTION 2. The city of Fall River, instead of taking the entire waters of said North Watuppa Pond, may, if it shall so elect, take a part of said waters, such election to be made by the city council, by a vote declaring the quantity or proportion of said waters they propose to take, to be passed not less than six months before the waters shall be withdrawn from said pond; with all the afore granted rights and powers for preserving the purity of said waters and for conveying them to the city. And in case the said city elect to take only a portion of said water as aforesaid, said city shall be responsible in damages for such partial taking only.

Notice of partial taking of water to be filed in registry of deeds.

Notice of the election of the city to take the portion of the waters of said pond herein permitted and prescribed shall be given by filing a copy of the vote of the city council making such election in the registry of deeds for the northern district of the county of Bristol six months before any water shall be withdrawn from said pond.

May take additional water after five years by filing vote of city council in registry of deeds.

SECTION 3. The city of Fall River, at any time not less than five years after exercising the election provided in the previous section, and at any subsequent time not less than five years from a previous election, may by a vote of the city council take for the use of said city from the waters of said pond an additional supply by filing a copy of the vote of the city council in the registry of deeds aforesaid six months before the additional amount shall be withdrawn from said pond, with the powers and privileges contained in the second section of this act, and said city shall be liable in damages for taking such additional amount from time to time, only for the additional amount they may thus elect to take.

Regulations concerning level of water in pond and that of Watuppa Reservoir Company.

SECTION 4. In case the said city of Fall River shall elect to take only a portion of the waters of said pond as herein permitted and prescribed, said city, whenever the level of the water in the South Watuppa Pond is twelve inches or more below the point to which the Watuppa Reservoir Company are now by law allowed to raise the same, and the water in the said North Watuppa Pond is not more than six feet below the said point, shall not retain the waters of the North Watuppa Pond at an elevation of more than one inch above the waters of said South Watuppa Pond.

City to provide means for measuring water taken from pond.

SECTION 5. It shall be the duty of the city to provide some reliable means or method of measuring and registering the amount of water taken from said pond, such register or record to be accessible at all times to any interested parties; and if the owner of any water-rights in the waters of said pond and the city shall fail to agree upon the mode of measurement, the method shall be fixed by one or more engineers, to

be appointed, upon the application of either party, by any justice of the supreme judicial court.

SECTION 6. For the purposes of distribution, the city may lay down pipes to any house or building in said city, the owner or owners thereof having notice thereof and not objecting thereto, and may make and establish public hydrants in such places as may from time to time be deemed proper and prescribe the purposes for which they may be used, and may change or discontinue the same; may regulate the use of the water within and without the said city and establish the prices or rents to be paid for the use thereof. And the said city may, for the purposes aforesaid, carry and conduct any aqueducts or other works by them to be made and constructed over or under any water-course or street, turnpike, road, railroad, highway or other way, in such manner as not to obstruct or impede travel thereon or the free flow of the water therein.

May lay down pipes and sewers, establish public hydrants &c.

SECTION 7. Three commissioners shall be appointed by the city council, who shall, during their continuance in office, execute and perform, superintend and direct the execution and performance of all the works, matters and things mentioned in the preceding sections which are not otherwise especially provided for in this act. They shall be subject to such ordinances, rules and regulations in the execution of their said trust as the city council may from time to time ordain and establish not inconsistent with the provisions of this act and the laws of this Commonwealth. They shall respectively hold their said office for the term of three years next after their said appointment, unless the aqueducts and works aforesaid shall be sooner completed; but they or either of them, after having had an opportunity to be heard in his or their defence, may be removed at any time by a concurrent vote of two-thirds of each branch of the city council. And in case of a vacancy in the board of commissioners by death, resignation, removal or other cause, such vacancy shall be filled by the appointment of another commissioner in the manner aforesaid, who shall hold his said office for the residue of the said term of three years; with all the powers, and subject to all the restrictions aforesaid.

Three commissioners to have charge of works.

A major part of said commissioners shall be a quorum for the exercise of the powers and the performance of the duties of the said office; they shall once in every six months, and whenever required by the city council, make and present in writing a particular report and statement of all their acts and proceedings, and of the condition and progress of the works aforesaid.

Majority of commissioners to establish quorum.

Salaries to be fixed by city council.

SECTION 8. Before the appointment of the commissioners aforesaid, the city council shall establish and fix the salaries or compensation to be paid to the commissioners for their services, and the said salaries of the said commissioners so established and fixed as aforesaid shall not be reduced during their continuance respectively in said office.

When office of commissioners ceases, powers to be executed as city council directs.

SECTION 9. Whenever the office of commissioners shall cease, all the rights, powers, and authority given to the city of Fall River, by this act, shall be exercised by the said city, subject to all the duties, restrictions and liabilities herein contained, in such manner and by such agents as the city council shall from time to time ordain, appoint and direct.

Fall River liable for damages.

SECTION 10. The city of Fall River shall be liable to pay all damages that shall be sustained by any person or persons in their property by the taking respectively of the entire waters of said North Watuppa Pond, or by the taking of any less proportion of said waters as authorized by the second and third sections of this act, or by the taking of any land, rights of way, water rights, or easements, or by the erection of any dams, or the construction of any aqueducts, reservoirs, water ways, or other works for the purposes of this act, and if the owner or owners of any property which shall be taken as aforesaid, or other person or persons sustaining damages as aforesaid, shall not agree upon the damages to be paid therefor, he or they may apply by petition, for the assessment of the damages at any time within three years from the taking of the said property, or the construction of the dams or other works occasioning damage as aforesaid, and not afterwards, to the superior court in the county in which the same are situate, unless sooner barred, as provided in the eleventh section of this act. Such petition may be filed in the clerk's office of said court in vacation or in term time, and the clerk shall thereupon issue a summons to the city of Fall River, returnable if issued in vacation at the next term of the said court, and if in term time returnable on such day as the said court shall order, to appear and answer to the said petition; the said summons shall be served fourteen days, at least, before the term or day at which it is returnable, by leaving a copy thereof, and of the said petition certified by the officer who shall serve the same, with the mayor or clerk of said city, and the said court may upon default or hearing of said city, appoint three disinterested persons, who shall, after reasonable notice to the parties, assess the damages, if any, which such petitioner may have sustained as aforesaid, and the award of the said persons, or a major part of them being returned into and

Petition for assessment of damages to be made to superior court within three years.

Court to appoint three disinterested persons to assess damages.

accepted by the said court shall be final, and judgment shall be rendered, and execution issued thereon for the prevailing party with costs, unless one of the said parties shall claim a trial by jury as hereinafter provided.

SECTION 11. Whenever any damage shall have been sustained by any person or persons, as set forth in the tenth section of this act, and such person or persons shall neglect to institute proceedings against the city of Fall River, according to the provisions of this act for the space of twelve months, it shall be lawful for the city of Fall River to commence such proceedings, which shall go on and be determined in the same manner as if commenced by the person or persons who shall have sustained such damage, and if such person or persons on receiving due notice shall not come in and prosecute the proceedings so instituted, judgment shall be entered against them without costs, and they shall be forever barred from recovering any damages under this act.

If parties receiving damage do not commence proceedings to determine damages within twelve months, Fall River may, &c.

SECTION 12. If either of the parties mentioned in the tenth section shall be dissatisfied with the amount of damages awarded as therein expressed, such party may at the term at which such award was accepted, or the next term thereafter, claim in writing a trial in said court, and have a jury to hear and determine at the bar of said court all questions of fact relating to such damages, and to assess the amount thereof; and the verdict of said jury being accepted and recorded by the said court shall be final and conclusive, and judgment shall be rendered and execution issued thereon, and costs shall be recovered by the said parties respectively in the same manner as is provided by law in regard to proceedings relating to the laying out of highways.

Parties dissatisfied with amount of damages may have trial by jury.

SECTION 13. No application shall be made to the court for the assessment of damages for the taking of any water rights until the water be actually withdrawn or diverted by said city under authority of this act.

Damage not to be applied for until water is actually taken.

SECTION 14. In every case of a petition to the superior court for the assessment of damages as provided in the tenth, eleventh, twelfth and thirteenth sections of this act, the city of Fall River may tender to the complainant or his attorney any sum that it shall think proper, or may bring the same into court, to be paid to the complainant for the damages by him sustained or claimed in his petition; and if the complainant shall not accept the same with his costs up to that time, but shall proceed in the suit, he shall be entitled to his costs up to the time of the tender or such payment into court, and not afterwards unless he shall recover greater

City may tender amount of damages or pay money into court.

damages than were so offered, and the said city shall be entitled to recover its costs afterwards unless the complainant shall recover greater damages than were so offered.

Water bonds of the city of Fall River not exceeding \$500,000 may be issued.

SECTION 15. For the purpose of defraying all costs and expenses of such lands, estates, water and water rights or other property as shall be taken, purchased or held for the purposes mentioned in this act, and for constructing all aqueducts and works necessary and proper for the accomplishment of the said purposes, and all expenses incident thereto heretofore incurred or that may be hereafter incurred, the city council shall have authority to issue from time to time scrip, notes or certificates of debt to be denominated on the face thereof, "Water Bonds of the City of Fall River," to an amount not exceeding five hundred thousand dollars, bearing interest not exceeding six per cent. per annum, which shall be redeemable at a period of time, not more than fifty years from and after the issue of said scrip, notes or certificates respectively; and the said city council may sell the same or any part thereof, from time to time, at public or private sale, or pledge the same for money borrowed for the purposes aforesaid, on such terms and conditions as the said city council shall judge proper; and the said city council may for the purposes of meeting payments of such interest as may accrue upon any certificate of debt, make such further issue of scrip, notes or certificates of debt as may be necessary therefor.

City council may pass by-laws, &c., for preservation and protection of water works.

SECTION 16. The city council may from time to time pass such by-laws and ordinances as they may deem proper for the preservation and protection of all or any of the works connected with the supplying of the city of Fall River with pure and wholesome water, under and by virtue of this act: *provided*, such by-laws and ordinances are not inconsistent with any laws of this Commonwealth, or with the constitution thereof, subject at any time to be repealed or modified by the legislature, and may also organize a department with full powers for the management of such works or the distribution of the said water.

To regulate price of water.

SECTION 17. The city council shall from time to time regulate the price or rent for the use of the water, with a view to the payment from the net income and receipts, not only the interest, but ultimately the principal of said debt so contracted, so far as the same may be practicable and reasonable, and the occupant of any tenement shall be liable for the payment of the price or rent for the use of the water in such tenement; and the owner thereof shall be also liable if on being notified of such use he does not object thereto; and if

any person or persons shall use any of said water either within or without the said city without the consent of the city, an action of tort may be maintained against him or them for the recovery of damages therefor.

Penalty for using water without consent of city.

SECTION 18. If any person or persons shall wilfully or maliciously divert the water or any part thereof of any of the ponds, streams or water sources, which shall be taken by the city pursuant to the provisions of this act, or shall corrupt the same, or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery or other property, held, owned or used by the said city by the authority and for the purposes of this act, such person or persons shall forfeit and pay to the said city three times the amount of the damage that shall be assessed therefor, to be recovered by any proper action. And such person or persons may moreover on indictment and conviction of either of the wilful and malicious acts aforesaid, be punished by a fine not exceeding one thousand dollars and imprisonment not exceeding one year.

Penalty for maliciously diverting water or corrupting the same.

SECTION 19. The provisions of this act shall be void unless submitted to and approved by the voters of the city of Fall River, at meetings held simultaneously for that purpose, in the several wards within one year from the passage of this act, upon notice duly given at least seven days before the time of holding said meetings.

Subject to acceptance by voters of city.

SECTION 20. This act shall take effect upon its passage.

Approved March 24, 1871.

AN ACT TO INCORPORATE THE NEWTON FREE LIBRARY.

Chap. 134

Be it enacted, &c., as follows :

SECTION 1. George H. Jones, John C. Chaffin, Isaac T. Burr, J. Wiley Edmands, George W. Bacon, John S. Farlow, Adin B. Underwood, Joel H. Hills, George S. Bullens, George C. Lord, Nathan P. Coburn, their associates and successors, are hereby made a corporation by the name of the Newton Free Library, for the purpose of establishing and maintaining a social library, and for the diffusion of knowledge and the promotion of intellectual improvement, in the town of Newton ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are, or may hereafter be in force, applicable to such corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. The said corporation may take and hold real and personal estate to an amount not exceeding one hundred and fifty thousand dollars, exclusive of books in its library, and collections of natural history and works of art in its museum.

Real and personal estate.

May receive and hold bequests, &c.

SECTION 3. Said corporation may receive and hold any grants, donations or bequests, to be held and used under such conditions or rules, as may be prescribed in such grants, donations or bequests.

Town may appropriate money for support of library as long as inhabitants have free access to it.

SECTION 4. So long as said corporation shall allow the inhabitants of the town of Newton free access to its library at reasonable hours, said town may appropriate money and pay the same annually, for the purpose of defraying any part of the expenses of the care of such library, and any library building which may be provided therefor.

SECTION 5. This act shall take effect upon its passage.

Approved March 24, 1871.

Chap. 135 AN ACT TO AUTHORIZE THE WELLESLEY CONGREGATIONAL SOCIETY TO SELL REAL ESTATE.

Be it enacted, &c., as follows :

Wellesley Congregational Society, formerly West Needham Precinct, authorized to sell real estate.

SECTION 1. The Wellesley Congregational Society, formerly the Needham West Precinct, is hereby authorized to sell at public or private sale, at such time or times as it may choose, a tract of land situate in the village of Wellesley, in the town of Needham, containing by estimation one acre; bounded and described as follows, to wit: beginning at a stake and stones at the corner thereof on Common street, and land of Mary B. Field, and running north-easterly by land of said Field, one hundred and thirty-five feet to Central street; thence by Central street, easterly, two hundred and twenty-two feet to an old cemetery; thence southerly, one hundred and ninety-nine feet to Common street; thence north-westerly by Common street, two hundred and seventy-two feet to the point begun at; and the treasurer of said society for the time being shall have authority to execute and deliver deeds to convey said land in fee simple or otherwise.

Proceeds of sale, and funds held under will of Betsey Brown to be invested in purchase of burial ground.

SECTION 2. The proceeds of the sale of said land, and all funds now held by said society, under the will of Betsey Brown, deceased, shall be by said society appropriated to and invested in the purchase and maintenance of a lot of land for burial purposes in such part of said Needham as said society may elect, with the consent of said town of Needham.

SECTION 3. This act shall take effect upon its passage.

Approved March 24, 1871.

Chap. 136 AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE PROPRIETORS OF THE BOSTON PIER OR THE LONG WHARF.

Be it enacted, &c., as follows :

Proprietors of Boston Pier or Long Wharf, incorporated.

SECTION 1. The property and estate now held by the proprietors of Boston Pier or the Long Wharf, shall, upon

the acceptance of this act in the manner hereinafter provided, be and be deemed vested in the corporation; to be held, leased, managed, improved and disposed of as it may deem for its interest, and the capital of said corporation shall be divided into forty-eight hundred shares of the par value of one hundred dollars each, which shares shall be deemed personal property, and shall be held, transferred and disposed of as such.

Capital stock
and shares.

SECTION 2. Upon the acceptance of this act, as hereinafter provided, the corporation shall issue to each proprietor a certificate of so many of said shares as shall be proportionate to his interest in the corporate property: *provided, however*, if the interest of any proprietor cannot be represented by a certain number of such shares, that the corporation may purchase of such proprietor his fractional part of a share by paying him therefor in money at the rate of said par value.

Certificates of
shares to be is-
sued to proprie-
tors in propor-
tion to their in-
terest in the
corporate prop-
erty.
Proviso.

The corporation may by their by-laws prescribe the form of certificates and mode of transfer of shares.

SECTION 3. In case any interest in said corporate property shall, at the time of the acceptance of this act, be held by trustees, executors, or persons who are or may be under guardianship, such trustees, executors and the guardians of such persons are hereby authorized to receive in lieu thereof, certificates of so many of the new shares as shall be equal to their respective interests: *provided, however*, that the new shares so received shall be taken and be held by them respectively upon the same trusts and for the same uses and purposes, and subject to the same limitations, as the interest previously held by them; and *provided, also*, that such trustees, executors and guardians shall give sufficient bond to the judge of probate for the county in which they shall have respectively been appointed; or in case their appointment shall have been by deed, to the judge of probate for the county of Suffolk, to hold and account for said shares and the proceeds thereof according to the terms of their respective trusts; but said bond may be dispensed with, whenever the said trustees, executors or guardians shall have previously given bonds sufficient in the opinion of the said judge of probate to secure the proper appropriation of said shares, or whenever the giving of a bond, or of a bond with sureties, shall have been dispensed with in the instrument creating the trust, or whenever all parties interested in the trust fund, being of full age and legal capacity, certify to the said judge of probate their consent that no bond shall be required.

Provisions in
case any inter-
est in corporate
property is
held by trus-
tees, executors,
&c.

Provisos.

— in case interest is held by a married man in which his wife has an inchoate right of dower.

Proviso.

— in case an estate for life or term of years belongs to one person and the reservation to another.

Proviso.

May increase number of shares and hold additional real estate.

SECTION 4. In case any interest in said corporate property shall, at the time of the acceptance of this act, be held by any married man, in which his wife has an inchoate right of dower, the certificates to be issued in lieu thereof shall state that the shares for which they were issued are subject to such right of dower; and the wife shall have the same rights in the income of said new shares, as she would have had if the interest of her husband in the said corporate property had continued to be real estate: *provided, however*, a wife may release her right of dower in any of said shares by uniting with her husband in a transfer thereof, and whenever the right of dower in any such shares shall have been once terminated by such transfer, or by death, or operation of law, the shares so issued shall thereafter have all the incidents of personal property.

SECTION 5. In case any interest in said corporate property shall at the time of the acceptance of this act, belong to persons having different or separate interests therein, so that an estate for life or for a term of years in the same, belongs to one person, and the remainder or reversion belongs to another, and there is no trustee capable of taking the same, said new certificates shall be issued to such person or persons as all having an interest therein shall by an instrument in writing filed with the corporation, join in appointing to take the same: *provided, however*, if any of the persons having an interest in such property shall by reason of legal disability, be incapacitated from choosing a trustee, or persons not in being shall have an interest therein, or if the persons so interested cannot agree upon a choice, the probate court for the county of Suffolk, shall upon application appoint some suitable person as trustee; and the person so appointed shall before entering upon the duties of his trust give a bond to said judge of probate, with sufficient surety or sureties, in such penal sum as the judge directs, conditioned for the faithful performance of his duties, in appropriating the income and principal of said shares, in the same manner that the interest in the corporate property for which they were issued would have been appropriated had that interest remained real estate; which bond upon breach of its condition may be put in suit by order of the probate court for the use and benefit of the persons interested in the trust property in like manner as is provided in case of bonds given by executors.

SECTION 6. The said corporation at a meeting duly called for that purpose, may increase the number of its shares, of the par value aforesaid, to a number not exceeding in all ten

thousand, and may purchase and hold for the purposes of the corporation, additional real estate of not more than five hundred thousand dollars in value.

SECTION 7. This act shall be of no effect until the same is accepted by the corporation, at a meeting duly called for the purpose, and by vote of at least two-thirds in interest.

Act may be accepted by a vote of two-thirds in interest.

Approved March 24, 1871.

AN ACT TO CHANGE THE NAME OF THE WINNISIMMET CONGREGATIONAL SOCIETY IN CHELSEA.

Chap. 137

Be it enacted, &c., as follows:

SECTION 1. The Winnisimmet Congregational Society, in the city of Chelsea, organized on the sixth day of September, in the year one thousand eight hundred and forty-three, under the provisions of chapter sixty-two of the acts of the year eighteen hundred and forty, shall be hereafter called and known by the name of The Central Congregational Society of Chelsea.

Name changed to Central Congregational Society of Chelsea.

SECTION 2. This act shall take effect upon its passage.

Approved March 24, 1871.

AN ACT TO INCORPORATE THE DEDHAM PUBLIC LIBRARY AND READING-ROOM.

Chap. 138

Be it enacted, &c., as follows:

SECTION 1. Waldo Colburn, Thomas L. Wakefield, Edward Stimson, Edmund Quincy, William Chickering, Erastus Worthington, Alfred Hewins, Henry O. Hildreth, their associates and successors, are hereby made a corporation by the name of the Dedham Public Library, for the formation and maintenance of a public library and reading-room in Dedham, and to hold in trust for said purposes such property as may be acquired by said corporation; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force, applicable to such corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation may hold real and personal estate for the purposes aforesaid, to an amount not exceeding one hundred thousand dollars, exclusive of books, papers and works of art.

Real and personal estate.

SECTION 3. The members of said corporation shall not exceed fifty in number, to be elected by the corporation by ballot, and after said corporation is organized, the number of members shall not be less than thirty.

Members of corporation not to be more than fifty, nor less than thirty after organization.

SECTION 4. The management and control of the property of said corporation, subject to its by-laws and regulations, shall be vested in a board of nine trustees, to be elected by said corporation from its members by ballot, to hold office

Control of property to be vested in board of nine trustees.

three years, one-third thereof, after the first election, to be chosen annually. At the first election three of said trustees shall be elected for one year, three for two years, and three for three years; and any vacancy in said board of trustees shall be filled by the election by the corporation of a trustee for the unexpired term of his predecessor.

Dedham may appropriate money towards support as long as inhabitants have free access to library.

SECTION 5. So long as said corporation shall allow the inhabitants of Dedham free access to its library and reading room, under reasonable regulations, said town may annually appropriate and pay to said corporation a sum not exceeding one dollar on each of its ratable polls.

SECTION 6. This act shall take effect upon its passage.

Approved March 24, 1871.

Chap. 139 AN ACT TO AUTHORIZE THE PRESIDENT AND FELLOWS OF HARVARD COLLEGE TO EXTEND THEIR WHARF IN CAMBRIDGE.

Be it enacted, &c., as follows :

May extend wharf in Cambridge, under direction of harbor commissioners.

SECTION 1. The President and Fellows of Harvard College are hereby authorized to extend their wharf, situated on the northerly side of Charles River in Cambridge, to such distance into the river in a southerly direction as the board of harbor commissioners shall determine, subject to the provisions of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six, and chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

SECTION 2. This act shall take effect upon its passage.

Approved March 24, 1871.

Chap. 140 AN ACT TO CONFIRM THE ORGANIZATION AND CERTAIN ACTS OF THE MOUNT PLEASANT ASSOCIATION IN ABINGTON.

Be it enacted, &c., as follows :

Organization of corporation confirmed.

SECTION 1. The organization of the corporation, known as the Mount Pleasant Association, in Abington, and all acts done under such organization, which such corporations may lawfully do, are hereby confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved March 24, 1871.

Chap. 141 AN ACT TO INCORPORATE THE SHERBORN AND SOUTH NATICK RAILROAD COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Theodore Otis, William E. Baker, Jackson Bigelow, Stedman Hartwell, their associates and successors, are hereby made a corporation by the name of the Sherborn and South Natick Railroad Company; with all the rights, powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the general laws which now

Powers and duties.

are or may hereafter be in force applicable to railroad corporations.

SECTION 2. Said corporation may locate, construct, maintain and operate a railroad, with one or more tracks, commencing on or near the Mansfield and Framingham Railroad in the centre of Sherborn, at such convenient point as it may select; then running in an easterly direction through the towns of Sherborn, Natick and Dover, to some convenient point on the Woonsocket division of the Boston, Hartford and Erie Railroad, near the Charles River station, in the town of Needham.

May build road from Mansfield and Framingham. Railroad in Sherborn to Boston, Hartford and Erie railroad in Needham.

SECTION 3. Said corporation may enter with its road upon, unite the same with, and use the railroads of the Mansfield and Framingham Railroad Company, and the Boston, Hartford and Erie Railroad Company; and the said Mansfield and Framingham Railroad Company and the said Boston, Hartford and Erie Railroad Company may enter with their railroads upon, unite the same with, and use the railroad of the said Sherborn and South Natick Railroad Company, subject to the provisions of the general laws concerning the same.

May unite with other railroads.

SECTION 4. The capital stock of said corporation shall not exceed two hundred thousand dollars, and shall be divided into shares of one hundred dollars each, the number of which shall be determined from time to time by the directors thereof.

Capital stock and shares.

SECTION 5. Said corporation may lease its railroad to any other railroad corporation, upon such terms as may be mutually agreed upon.

May lease road.

SECTION 6. This act shall take effect upon its passage, and shall be void unless said railroad shall be located within two years and constructed within four years from the passage hereof.

Road to be located within two years and constructed within four years.

Approved March 25, 1871.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE NEW ENGLAND TRUST COMPANY.

Chap. 142

Be it enacted, &c., as follows:

SECTION 1. The New England Trust Company may increase its capital stock to an amount not exceeding in the whole the sum of one million dollars.

May increase capital stock.

SECTION 2. It shall be lawful for the said corporation to invest its capital and all moneys held by it in trust, in the authorized loans of any of the counties, cities or towns in any of the New England States, or to loan the same to this Commonwealth, or to any county, city or town therein; and said corporation may also invest such capital and moneys in any other securities in which savings banks now are or hereafter

May invest its capital and money held in trust in the authorized loans of cities and towns in New England—in securities in which savings banks are allowed to invest.

may be allowed to invest, and shall be subject to and governed by the provisions concerning savings banks, which are contained in sections one hundred and forty-three and one hundred and forty-six of chapter fifty-seven of the General Statutes.

Subject to provisions of 1865, 283.

Return to be made to tax commissioner.

Taxes not to be assessed upon property held in trust, &c.

SECTION 3. Said corporation shall be subject to the provisions of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, and any acts now existing, or which may hereafter be passed in amendment or lieu thereof; it shall also, annually, between the first and tenth days of May, return to the tax commissioner a true statement, attested by the oath of some officer of the corporation, of all personal property held upon any trust on the first day of May, which would be taxable if held by an individual trustee residing in this Commonwealth, and the name of every city or town in this Commonwealth where any beneficiary resided on said day, and the aggregate amount of such property then held for all beneficiaries resident in each of such cities and towns, and also the aggregate amount held for beneficiaries not resident in this Commonwealth, under the pains and penalties provided in section fourteen of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five and acts in amendment thereof, for corporations failing to make the returns provided by said act. Said corporation shall annually pay to the treasurer of the Commonwealth a sum to be ascertained by assessment upon an amount equal to the total value of such property, at a rate to be ascertained and determined by the tax commissioner under section five of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five and acts in amendment thereof. No taxes shall be assessed in any city or town for state, county or town purposes upon or in respect of any property held in trust as aforesaid, but such proportion of the sum so paid by said corporation as corresponds to the amount of such property held for beneficiaries resident in this Commonwealth, shall be credited and paid to the several cities and towns where it appears from the returns or other evidence that such beneficiaries resided on the first day of May next preceding, according to the aggregate amount so held in trust for beneficiaries residing in such cities and towns respectively; and in regard to such tax so to be assessed and paid as aforesaid, said corporation shall be subject to sections eleven, twelve, thirteen, the last paragraph of section fifteen and section seventeen of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, and acts in

amendment or lieu thereof, so far as the same are applicable thereto.

SECTION 4. Section eight, and so much of section ten of chapter one hundred and eighty-two of the acts of the year eighteen hundred and sixty-nine, as limits the existence of said corporation to fifty years, is hereby repealed.

SECTION 5. This act shall take effect whenever it shall be accepted by a vote of said corporation at a meeting warned for the purpose. Within thirty days after such acceptance, a copy of the vote accepting the same, certified by and attested by the oath of the president, or one of the vice-presidents of the corporation, and the secretary thereof, shall be filed in the office of the secretary of state, and such certificate shall be conclusive evidence of such acceptance.

Approved March 30, 1871.

AN ACT TO AUTHORIZE SPECIAL CONTRACTS FOR THE TRANSPORTATION OF PASSENGERS ON DESIGNATED TRAINS UPON RAILROADS.

Chap. 143

Be it enacted, §c., as follows :

SECTION 1. A railroad corporation may make contracts for the conveyance of passengers upon designated trains, for a specific distance, at fixed times, at such reduced rates of fare as the parties may agree upon.

SECTION 2. Tickets may be issued for such passengers, upon which shall be plainly printed the terms upon which they may be used. And such tickets shall not be transferable without the consent of the corporation, nor entitle the holder to ride upon any train not therein designated.

Approved March 30, 1871.

AN ACT TO INCREASE THE JURISDICTION IN CIVIL CASES OF POLICE AND MUNICIPAL COURTS AND OF THE DISTRICT COURT OF CENTRAL BERKSHIRE.

Chap. 144

Be it enacted, §c., as follows :

SECTION 1. The several police courts and municipal courts of the Commonwealth, and the district court of central Berkshire, shall hereafter have jurisdiction concurrently with the superior court in the counties in which said courts are situated, of all personal actions and proceedings in civil cases in which the amount demanded, or the value of the property claimed, does not exceed three hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 30, 1871.

Chap. 145 AN ACT TO AMEND THE THIRTY-SIXTH SECTION OF CHAPTER THIRTY-EIGHT OF THE GENERAL STATUTES, IN RELATION TO THE MAINTENANCE OF SCHOOL-HOUSES BY TOWNS.

Be it enacted, &c., as follows:

Penalty on towns for neglecting to maintain school-houses.

The thirty-sixth section of chapter thirty-eight of the General Statutes is hereby amended by adding at the end thereof the following words:—

A town which for one year refuses or neglects to comply with the requisitions of this section, shall forfeit a sum not less than five hundred nor more than one thousand dollars, under the same provisions as those made in sections fourteen and fifteen of this chapter.

Approved March 30, 1871.

Chap. 146 AN ACT TO INCORPORATE THE ORANGE SAVINGS BANK.

Be it enacted, &c., as follows:

Corporators.

Name and purpose.

Powers and duties.

SECTION 1. Edward Barton, Rodney Hunt, Davis Goddard, N. L. Johnson, their associates and successors, are hereby made a corporation by the name of the Orange Savings Bank, to be located in the town of Orange; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in all general laws, which now are or may hereafter be in force applicable to institutions for savings.

SECTION 2. This act shall take effect upon its passage.

Approved March 30, 1871.

Chap. 147 AN ACT TO AUTHORIZE THE NASHUA AND LOWELL RAILROAD CORPORATION TO INCREASE ITS CAPITAL STOCK.

Be it enacted, &c., as follows:

\$50,000 additional capital stock.

Proviso.

SECTION 1. The Nashua and Lowell Railroad Corporation may, for the purchase of depot and terminal facilities, increase its capital stock fifty thousand dollars, and the capital stock of said corporation is fixed and limited at eight hundred thousand dollars: *provided*, that no stock shall be issued for a less sum to be actually paid in in cash on each share than the par value thereof.

SECTION 2. This act shall take effect upon its passage.

Approved March 30, 1871.

Chap. 148 AN ACT RELATING TO THE CANTON AND HYDE PARK, AND STOUGHTON BRANCH RAILROAD COMPANIES, AND THE BOSTON AND PROVIDENCE RAILROAD CORPORATION.

Be it enacted, &c., as follows:

Time for locating road extended.

SECTION 1. The time for locating the road of the Canton and Hyde Park Railroad Company is hereby extended to the first day of May, in the year eighteen hundred and seventy-three; and the time for constructing the same is extended to the first day of May, in the year eighteen hundred

and seventy-four; and the time allowed said company to unite with the Stoughton Branch Railroad Company is extended to the first day of May, in the year eighteen hundred and seventy-six.

SECTION 2. Said Canton and Hyde Park Railroad Company may connect its road with the road of the Boston and Providence Railroad Corporation, and use the same according to law, but no such connection shall be made without the consent of the Boston and Providence Railroad Corporation.

SECTION 3. This act shall take effect upon its passage.

Approved March 30, 1871.

AN ACT TO AUTHORIZE HENRY GARDNER TO EXTEND HIS WHARF IN WEYMOUTH.

Chap. 149

Be it enacted, &c., as follows:

SECTION 1. License is hereby given to Henry Gardner to extend his wharf on Fore River, so called, in Weymouth; the extent, width and materials of such extension to be determined by the board of harbor commissioners, subject to the provisions of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six, and chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine, so far as the same are applicable.

May extend wharf in Weymouth, subject to direction of harbor commissioners.

SECTION 2. This act shall take effect upon its passage.

Approved March 30, 1871.

AN ACT TO INCORPORATE THE MORSE INSTITUTE IN NATICK.

Chap. 150

Be it enacted, &c., as follows:

SECTION 1. John W. Bacon, Willard Drury, John O. Wilson, Elisha P. Hollis and Horatio Alger, the trustees elected by the inhabitants of the town of Natick under the provisions of the will of Mary Ann Morse, and their successors as such trustees, are hereby made a corporation by the name of the Morse Institute in Natick; and they and their successors shall be and remain a corporation by that name forever; with all the powers and privileges, and subject to all duties, restrictions and liabilities that now are or hereafter may be in force applicable to such corporations; but when any person shall be elected a trustee of said institute, the person in whose place he is elected shall cease to be a member of said corporation upon the acceptance of his successor.

Trustees under will of Mary Ann Morse incorporated.

Name.

Powers and duties.

SECTION 2. Said corporation shall hold the devise and bequest of said Mary Ann Morse and the proceeds thereof, and shall perform and carry out the trusts upon which said devise and bequest were given to the town of Natick, and

To hold bequest and carry out trusts upon which it was given to Natick.

they may also hold other real and personal property not exceeding two hundred thousand dollars in value, the income of which shall be appropriated exclusively to the enlargement, care and maintenance of the library and reading-room to be established under the provisions of said will, for the use and benefit of all the inhabitants of said town of Natick.

SECTION 3. This act shall take effect upon its passage.

Approved March 30, 1871.

Chap. 151 AN ACT TO AUTHORIZE THE BOSTON THEOLOGICAL SEMINARY AND THE TRUSTEES OF BOSTON UNIVERSITY TO UNITE.

Be it enacted, &c., as follows :

The Boston Theological Seminary may transfer school franchise to the Boston University.

SECTION 1. The Boston Theological Seminary is hereby authorized and empowered to transfer to the trustees of Boston University, upon such terms and conditions as shall be fixed and agreed upon by said corporations, the school hitherto maintained by said Boston Theological Seminary, and all the powers, rights, privileges, franchises, property, claims, trusts and estates, appertaining in law or in equity to said Boston Theological Seminary.

When transfer is agreed upon, certificate to be filed in office of secretary of Commonwealth.

SECTION 2. When such transfer shall have been agreed upon by the two corporations aforesaid, in meetings duly called to act upon that subject, and a certificate thereof signed by the presidents of such corporations shall have been filed in the office of the secretary of the Commonwealth, the trustees of Boston University shall thereupon take and enjoy all the powers, rights, privileges, franchises, property, claims, trusts and estates appertaining in law or in equity to said Boston Theological Seminary, subject to all duties, restrictions and liabilities belonging thereto, and said Boston Theological Seminary shall thereafter remain a corporation only for the purpose of executing all such transfers, assignments and conveyances as may be deemed necessary to vest all such rights, property, claims and estates in the trustees of Boston University, and for the purpose also of receiving any gifts, devises and bequests that may have been made to it by will or otherwise, and transferring the same as aforesaid.

Powers and duties.

SECTION 3. This act shall take effect upon its passage.

Approved March 30, 1871.

Chap. 152 AN ACT UNITING AND CONSOLIDATING THE PROPRIETORS OF THE TREMONT MILLS AND THE SUFFOLK MANUFACTURING COMPANY.

Be it enacted, &c., as follows :

Tremont Mills and Suffolk Manufacturing Company may unite.

SECTION 1. The proprietors of the Tremont Mills and the Suffolk Manufacturing Company have leave to unite and consolidate the two corporations, for the purposes named in their respective acts of incorporation, and all amendments

thereto, upon such terms as a majority in interest of the stockholders of the corporations present and voting at meetings called for that purpose, shall respectively by vote determine, and such votes so passed by said corporations, shall be effectual to unite and consolidate the said corporations within the intent and meaning of this act, and the property, both real and personal, with the title thereto of the respective corporations shall vest in and be held by the consolidated corporation, with all the rights and franchises of the two corporations respectively.

SECTION 2. The officers of the two corporations shall hold in the consolidated corporation the same office that each now holds in the two corporations respectively, until a new election is held as hereinafter provided.

Officers of both corporations to continue until new election is provided.

SECTION 3. After the organization of the consolidated corporation each of said existing corporations shall continue for the purpose of effecting said union, and adjusting the claims of its stockholders, and also doing all such acts and things, if any, as may be necessary therefor; and shall execute all such transfers, assignments and conveyances as the corporation formed as aforesaid may deem necessary or expedient to vest in itself, any property, estate, contracts, rights or claims, if any there be, which do not vest in it by virtue or authority of this act.

Each corporation to continue for certain purposes after consolidation.

SECTION 4. The corporation formed as aforesaid shall be called the Tremont and Suffolk Mills, and shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in all general laws, which now or may hereafter be in force, relating to manufacturing corporations. It may hold for the purposes aforesaid real estate necessary and convenient for its business, to an amount not exceeding nine hundred thousand dollars, and its whole capital stock shall not exceed fifteen hundred thousand dollars, divided into shares of one hundred dollars each.

Tremont and Suffolk Mills.

Real estate.

SECTION 5. The first meeting of the Tremont and Suffolk Mills shall be called by its president and directors, and of the time and place of said meeting, seven days notice shall be given by publication thereof in one newspaper in the city of Boston and in one in the city of Lowell, at which meeting the officers of said corporation shall be chosen.

Capital stock and shares.

First meeting of stockholders.

SECTION 6. The by-laws shall provide for holding the annual meetings of the corporation.

Annual meeting.

SECTION 7. This act shall take effect upon its passage.

Approved March 31, 1871.

Chap. 153 AN ACT TO REIMBURSE THE VERMONT AND MASSACHUSETTS RAILROAD COMPANY FOR EXPENDITURES ON THE TROY AND GREENFIELD RAILROAD.

Be it enacted, &c., as follows :

Allowance of \$42,100.21 for repairing Troy and Greenfield Railroad.

SECTION 1. There shall be allowed and paid from the treasury to the Vermont and Massachusetts Railroad Company the sum of forty-two thousand one hundred and sixty dollars and twenty-one cents, as an additional allowance and in full of the cost of repairing and improving the Troy and Greenfield Railroad, under the provisions of chapter two hundred and fifty-two of the acts of the year eighteen hundred and seventy.

Three months' rent abated.

SECTION 2. An additional three months rent of said railroad, while not in a condition for use, is abated to the lessees thereof.

SECTION 3. This act shall take effect upon its passage.

Approved March 31, 1871.

Chap. 154 AN ACT TO INCORPORATE THE WORCESTER CHORAL UNION.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Alexander C. Munroe, Seth Richards, Samuel E. Staples, Lyman H. Goodnow, their associates and successors, are hereby made a corporation by the name of the Worcester Choral Union, in the city of Worcester, for the purpose of the study and practice of oratorio and other music ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

Name and purpose.

Powers and duties.

Real and personal estate.

SECTION 2. Said corporation may hold real and personal estate to an amount not exceeding fifty thousand dollars.

SECTION 3. This act shall take effect upon its passage.

Approved March 31, 1871.

Chap. 155 AN ACT IN ADDITION TO AN ACT TO INCREASE THE CAPITAL STOCK OF THE LOWELL GAS COMPANY.

Be it enacted, &c., as follows :

May increase capital stock.

SECTION 1. Chapter one hundred and nineteen of the acts of the present year, increasing the capital stock of the Lowell Gas Company shall be held to apply to the Lowell Gas Light Company.

SECTION 2. This act shall take effect upon its passage.

Approved March 31, 1871.

Chap. 156 AN ACT TO CONFIRM CERTAIN PROCEEDINGS OF THE TRUSTEES OF THE PERMANENT PEACE FUND.

Be it enacted, &c., as follows :

Proceedings of trustees ratified and confirmed.

SECTION 1. The proceedings of the trustees of the Permanent Peace Fund, whereby on the twentieth day of October,

in the year eighteen hundred and sixty-three, they organized as a corporation, under their act of incorporation, approved February sixteenth, eighteen hundred and sixty-three, and their subsequent proceedings as such corporation, and in making an agreement as such, with Martha W. Beckwith, widow of George C. Beckwith, deceased, in adjustment of her rights in the estate of her late husband, and under his will, bequeathing his property to said trustees, are hereby ratified and confirmed.

SECTION 2. Said trustees are authorized and empowered to hold real and personal estate in addition to that now authorized, to an amount not exceeding one hundred thousand dollars.

SECTION 3. This act shall take effect upon its passage.

Approved March 31, 1871.

AN ACT TO CHANGE THE NAME OF THE HOLLIS EVANGELICAL SOCIETY
IN FRAMINGHAM.

Chap. 157

Be it enacted, &c., as follows :

SECTION 1. The name of the Hollis Evangelical Society in Framingham, a religious society established under the laws of this Commonwealth, is hereby changed to the Plymouth Society in Framingham. Name changed.

SECTION 2. This act shall take effect upon its passage.

Approved March 31, 1871.

AN ACT TO PROVIDE FOR THE ELECTION OF ROAD COMMISSIONERS.

Chap. 158

Be it enacted, &c., as follows :

SECTION 1. Any town which shall have accepted the provisions of this act, may, at a meeting called for that purpose, choose by ballot three competent and discreet men, being inhabitants of said town, who shall constitute the board of road commissioners for said town, one of whom shall be chosen for the term of one year, one for the term of two years, and one for the term of three years, from the date of the annual meeting of said town at which they may be chosen ; or if they shall be chosen at a meeting other than the annual meeting of said town, then for the term of one, two and three years respectively from the date of the annual meeting next preceding said election, and until their successors are chosen and qualified ; and at every subsequent annual meeting the voters of such town shall choose one person, qualified as aforesaid, to be a member of said board, to serve for the term of three years : *provided*, that such acceptance, at any annual meeting thereafter called for that purpose, may be revoked, and said board abolished.

Road commissioners to be chosen for one, two, and three years.

To perform duties now vested in selectmen and surveyors of highways.

SECTION 2. Said road commissioners shall have and perform exclusively all the powers and duties now vested by law in selectmen and surveyors of highways, concerning the laying out, altering, making, repairing or discontinuing streets, ways, sidewalks, sewers and drains.

—to be sworn, &c.

SECTION 3. Said commissioners shall be sworn to the faithful performance of the duties of their office, and shall receive such compensation for their services as the town may determine.

When vacancy occurs, to be filled by selectmen.

SECTION 4. Whenever a vacancy occurs in said board of road commissioners, the same shall be filled by the selectmen of such town, and the person so appointed shall hold his office until another shall be chosen at the next annual meeting of said town, and qualified.

SECTION 5. This act shall take effect upon its passage.

Approved April 1, 1871.

Chap. 159

AN ACT IN ADDITION TO "AN ACT FOR SUPPLYING THE CITY OF CHARLESTOWN WITH PURE WATER."

Be it enacted, §c., as follows :

Water bonds of the city of Charlestown may be issued.

SECTION 1. For the purpose of defraying the cost and expenses incurred by the city of Charlestown in the construction and extension of water works in said city, the city council of said city is hereby authorized to issue from time to time, scrip, notes or certificates of debt, to be denominated on the face thereof, "Water Bonds of the City of Charlestown," to an amount not exceeding one hundred and ten thousand dollars : *provided, however,* that the whole amount issued under this act and the acts to which this act is an addition, shall not exceed the cost of the construction and extension of said works. The said bonds shall bear interest at a rate not exceeding six per centum per annum, and shall be redeemable at a period of time not less than ten nor more than thirty years from and after the issue thereof. And said city council may sell the same, or any part thereof, from time to time, at public or private sale, on such terms and conditions as said city council shall judge proper.

Proviso.

—may be sold at public or private sale.

Net income to be applied to reduction of water debt.

SECTION 2. The income derived from water rates, under the several acts authorizing the construction and extension of water works in said city, after deducting cost of maintenance, and interest on the water bonds, shall be applied to the reduction of the water debt, and shall not be used for any other purpose whatever.

SECTION 3. This act shall take effect upon its passage.

Approved April 3, 1871.

AN ACT TO INCORPORATE THE NORTH ATTLEBORO' ODD FELLOWS
HALL ASSOCIATION. *Chap. 160**Be it enacted, &c., as follows :*

SECTION 1. Benjamin F. Pratt, David Capron, David D. Kent, their associates and successors, are hereby made a corporation under the name of the North Attleboro' Odd Fellows Hall Association, for the purpose of managing and administering the funds belonging to said association, and of erecting and maintaining a building for the purposes of a hall, and any other lawful purpose ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force, applicable to such corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation may hold real and personal estate to an amount not exceeding twenty thousand dollars.

Real and personal estate.

SECTION 3. This act shall take effect upon its passage.

*Approved April 3, 1871.*AN ACT TO INCORPORATE THE HOOSAC SAVINGS BANK OF NORTH
ADAMS. *Chap. 161**Be it enacted, &c., as follows :*

SECTION 1. Benjamin F. Robinson, Sylvander Johnson, Edward R. Tinker, William S. Blackinton and Edwin Thayer, their associates and successors, are hereby made a corporation by the name of the Hoosac Savings Bank, to be located in North Adams ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to institutions for savings.

Corporators.

Name.

Powers and duties.

SECTION 2. This act shall take effect upon its passage.

*Approved April 3, 1871.*AN ACT TO INCORPORATE THE LEE AND HUDSON RAILROAD COMPANY. *Chap. 162**Be it enacted, &c., as follows :*

SECTION 1. Elizur Smith, John B. Hull, Robert G. Averill, their associates and successors, are hereby made a corporation by the name of the Lee and Hudson Railroad Company ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the general laws which now are, or hereafter may be in force relating to railroad corporations.

Corporators.

Name.

Powers and duties.

SECTION 2. Said corporation is hereby authorized to locate, construct, maintain and operate a railroad, with one or more tracks, commencing at some convenient point on the Stockbridge and Pittsfield Railroad, in the town of Lee, and thence running southerly and westerly through the towns of Lee, Stockbridge and West Stockbridge, to some convenient

Railroad from Stockbridge and Pittsfield Railroad in Lee, to the W. Stockbridge or Boston and Albany road in W. Stockbridge.

point on the West Stockbridge Railroad, or the Boston and Albany Railroad, in said town of West Stockbridge.

May enter upon
and unite with
other railroads.

SECTION 3. Said corporation may enter with its railroad upon, unite the same with, and use the road of the Stockbridge and Pittsfield Railroad Company at Lee, and the West Stockbridge Railroad Company and the Boston and Albany Railroad Company, or either of them, at West Stockbridge, and each of the said several railroad companies may respectively enter with its road upon, unite the same with and use the road of the Lee and Hudson Railroad Company, subject to the provisions of the general laws.

Capital stock
and shares.

SECTION 4. The capital stock of said corporation shall not exceed the sum of five hundred thousand dollars, nor be less than two hundred thousand dollars, and shall be divided into shares of one hundred dollars each.

May mortgage
road and fran-
chise.

SECTION 5. Said corporation is hereby authorized to mortgage its railroad, franchise and other property, real or personal, then or thereafter acquired, to secure any contracts, indebtedness or bonds that may at any time be made or issued by said corporation, in accordance with the laws of the Commonwealth.

May sell or
lease road.

SECTION 6. Said corporation is hereby authorized to sell or lease its railroad, franchise and other property, or such parts of said railroad as may from time to time be completed, to the Boston and Albany Railroad Company, or the Stockbridge and Pittsfield Railroad Company, upon such terms as may be agreed upon by the directors of the contracting corporations, and said Boston and Albany Railroad Company or Stockbridge and Pittsfield Railroad Company, is hereby authorized to purchase or hire the same.

To be located
within three
years and con-
structed within
six years.

SECTION 7. This act shall take effect upon its passage, and shall be void unless said railroad is located within three years, and constructed within six years after the passage hereof.

Approved April 3, 1871.

Chap. 163

AN ACT TO PROVIDE FOR THE PROPORTIONAL PAYMENT OF THE EXPENSE OF ERECTING AND MAINTAINING DAMS, DITCHES AND DRAINS FOR THE BENEFIT OF CRANBERRY LANDS.

Be it enacted, &c., as follows:

Persons receiv-
ing benefit from
dams, drains,
&c., to pay pro-
portional part
of expense of
building the
same.

SECTION 1. Whenever, in accordance with the provisions of chapter two hundred and six of the acts of the year eighteen hundred and sixty-six, a dam shall have been erected or maintained for the purpose of flowing and irrigating a tract of land appropriated to the cultivation and growth of the cranberry, or whenever any person at his own charge, shall have made, kept open or repaired any ditches or drains for the improvement or cultivation of such a tract, any other

owner or lessee of a like tract, using such dam, ditches or drains, or by any more remote means receiving benefit thereby for the flowing, irrigating or draining of such last mentioned tract, shall pay to the person who has erected or maintained such dam, or incurred such charge, his proportional part thereof, to be determined by the selectmen of the town, in the manner provided by sections six, ten, eleven, twelve and thirteen of chapter forty-eight of the General Statutes, relating to common sewers and main drains.

SECTION 2. Nothing in this act contained shall affect any covenants or agreements by or between the owners or lessees of the lands mentioned in section one. Covenants or agreements not affected.

SECTION 3. This act shall take effect upon its passage.

Approved April 3, 1871.

AN ACT TO INCORPORATE THE SPENCER SAVINGS BANK.

Be it enacted, §c., as follows :

SECTION 1. Isaac Prouty, Henry R. Green, Erastus Jones, Corporators.
their associates and successors, are hereby made a corporation by the name of the Spencer Savings Bank, to be established in the town of Spencer ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to institutions for savings. Name and purpose.
Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved April 5, 1871.

AN ACT TO REVIVE THE CHARTER OF THE NEWBURYPORT AND AMESBURY HORSE RAILROAD COMPANY.

Be it enacted, §c., as follows :

SECTION 1. Chapter fifty-three of the acts of the year eighteen hundred and sixty-four, being an act to incorporate the Newburyport and Amesbury Horse Railroad Company, is hereby revived, and the time limited in said act for its acceptance and the construction of said railroad by the corporation, is hereby extended for two years from the passage hereof. Charter revived and extended.

SECTION 2. This act shall take effect upon its passage.

Approved April 5, 1871.

AN ACT IN RELATION TO THE WORCESTER SOUTH-EAST AGRICULTURAL SOCIETY.

Be it enacted, §c., as follows :

SECTION 1. The Worcester South-East Agricultural Society is hereby authorized to hold its annual exhibition in either of the towns of Milford, Upton, Mendon and West- Annual exhibition.

Chap. 164

Chap. 165

Chap. 166

borough, Holliston or Hopkinton, as may from time to time be designated by the officers of said society.

SECTION 2. This act shall take effect upon its passage.

Approved April 5, 1871.

Chap. 167 AN ACT CONCERNING SLAUGHTER HOUSES AND NOXIOUS AND OFFENSIVE TRADES.

Be it enacted, &c., as follows :

Slaughter-houses, &c., not to be erected in towns of more than four thousand inhabitants without permission.

SECTION 1. Whoever in any city or town containing more than four thousand inhabitants, erects, occupies or uses any building for carrying on therein the business of slaughtering cattle, sheep or other animals, or for melting or rendering establishments, or for other noxious or offensive trades and occupations, or permits or allows said trades or occupations to be carried on upon premises owned or occupied by him or them, without first obtaining the written consent and permission of the mayor and aldermen, or selectmen of such city or town, shall forfeit a sum not exceeding two hundred dollars for every month he or they so occupy or use such building or premises, and in like proportion for a longer or shorter time : *provided*, that the terms of this section shall not apply to any building or premises now occupied or used for the trades or occupations before described ; but no person or persons or corporation now occupying or using any building or premises for the trades or occupations aforesaid, shall enlarge or extend the same without first obtaining the written consent and permission of the mayor and aldermen or selectmen of the city or town in which such building or premises are situated in the manner provided in this section.

Penalty.

Proviso.

State board of health may order persons carrying on offensive trades to desist.

SECTION 2. Whenever in any city or town, containing more than four thousand inhabitants any building or premises are occupied or used by any person or persons or corporation for carrying on the business of slaughtering cattle, sheep or other animals, or for melting or rendering establishments, or for other noxious or offensive trades, the state board of health may, if in their judgment the public health or the public comfort and convenience shall require, order any person or persons or corporation carrying on said trades or occupations, to desist and cease from further carrying on said trades or occupations in such building or premises, and any person or persons or corporation continuing to occupy or use such building or premises for carrying on said trades or occupations after being ordered to desist and cease therefrom by said board, shall forfeit a sum not exceeding two hundred dollars for every month he or they continue to occupy and use such building or premises for carrying on said trades or occupations after being ordered to desist and cease

Penalty.

therefrom by said board as aforesaid, and in like proportion for a longer or shorter time : *provided*, that on any application to said board to exercise the powers in this section conferred upon them, a time and place for hearing the parties shall be assigned by said board and due notice thereof given to the party against whom the application is made, and the order herein before provided shall only be issued after such notice and hearing.

Proviso.

SECTION 3. The supreme judicial court, or any one of the justices thereof, in term time or vacation, shall have power to issue an injunction to prevent the erection, occupancy, use, enlargement or extension of any building or premises occupied or used for the trades or occupations aforesaid, without the written consent and permission provided in section one of this act being first obtained ; and also in like manner to enforce the orders of the state board of health issued under section two of this act. *Approved April 8, 1871.*

S. J. C. may issue injunction to prevent erection of building to be occupied for offensive trades.

AN ACT TO CHANGE THE TIME OF HOLDING THE TERM OF THE SUPREME JUDICIAL COURT FOR THE COUNTY OF SUFFOLK, NOW REQUIRED BY LAW TO BE HELD IN OCTOBER.

Chap. 168

Be it enacted, &c., as follows :

SECTION 1. The jury term of the supreme judicial court for the county of Suffolk, now required by law to be held in October, shall hereafter be held on the second Tuesday of September in each year.

Time changed for jury term of S. J. C. for Suffolk.

SECTION 2. All writs and processes of whatever nature, civil or criminal, returnable to or now pending in said supreme judicial court, shall be returned to and have day in said court at the time for holding the same established by this act, and all parties and persons who before passing this act, may have been required to appear and attend at the October term aforesaid, shall appear and attend and have like day in court at the term established by this act, pursuant to its true intent and meaning.

All writs and processes returnable or pending to be returned to, and have day on the second Tuesday of September.

SECTION 3. This act shall take effect upon its passage.

Approved April 8, 1871.

AN ACT TO REPEAL CHAPTER THREE HUNDRED AND FIFTY-THREE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SIXTY-NINE, AUTHORIZING THE MAINTENANCE OF A FLOATING BOAT-HOUSE ON CHARLES RIVER.

Chap. 169

Be it enacted, &c., as follows :

SECTION 1. Chapter three hundred and fifty-three of the acts of the year eighteen hundred and sixty-nine is hereby repealed, and the license thereby granted revoked.

Repeal of 1869, 333.

SECTION 2. This act shall take effect upon its passage.

Approved April 8, 1871.

Chap. 170 AN ACT TO AUTHORIZE THE CAMBRIDGE LAND AND BUILDING ASSOCIATION TO PURCHASE ADDITIONAL REAL ESTATE, AND LEGALIZE CERTAIN CONVEYANCES THEREOF.

Be it enacted, &c., as follows :

May hold additional real estate.

Conveyances legalized.

Proviso.

SECTION 1. The Cambridge Land and Building Association is hereby authorized to purchase, hold, sell, lease and improve real estate in the city of Cambridge and in the town of Somerville, in addition to that described in its act of incorporation; and all conveyances heretofore made to said association, are hereby legalized and made valid to the same extent that they would have been had said association been authorized to hold the real estate conveyed thereby, under its act of incorporation: *provided*, that the lands held by said corporation shall not exceed the sum of fifty thousand dollars in value.

SECTION 2. This act shall take effect upon its passage.

Approved April 8, 1871.

Chap. 171 AN ACT TO REVIVE THE CHARTER AND CHANGE THE NAME OF THE BOSTON AND LYNN UNION RAILWAY COMPANY.

Be it enacted, &c., as follows :

Charter revived and continued.

Name changed to Boston, Lynn and Peabody Railway Company.

Time for locating, &c., extended.

SECTION 1. Chapter three hundred and ninety-seven of the acts of the year eighteen hundred and sixty-nine, being an act to incorporate the Boston and Lynn Union Railway Company, is hereby revived and continued in force, with the rights acquired under the same.

SECTION 2. The name of said company is hereby changed to the Boston, Lynn and Peabody Railway Company, and said company may construct, maintain and use its railway upon and over such additional streets and highways in the town of Peabody as the selectmen thereof may from time to time designate; and the time for locating, building and putting in operation some portion of its road, is extended for the term of two years from the first of October, eighteen hundred seventy-one.

SECTION 3. This act shall take effect upon its passage.

Approved April 8, 1871.

Chap. 172 AN ACT TO AMEND THE ACT INCORPORATING THE NORTH AMERICAN FIRE INSURANCE COMPANY.

Be it enacted, &c., as follows :

Partial repeal of 1851, 10, § 2.

SECTION 1. So much of section two of chapter ten of the acts of the year eighteen hundred and fifty-one, incorporating the North American Fire Insurance Company, as requires all real estate taken for debt or held as security by said corporation, to be disposed of within the period of five years, is hereby repealed.

SECTION 2. This act shall take effect upon its passage.

Approved April 8, 1871.

AN ACT TO ESTABLISH THE POLICE COURT OF HOLYOKE.

Chap. 173

Be it enacted, &c., as follows :

SECTION 1. A police court is hereby established in the town of Holyoke, under the name of the Police Court of Holyoke; and said town shall constitute a judicial district under the jurisdiction of said court. Said court shall have the same jurisdiction, power and authority, shall perform the same duties, and be subject to the same regulations as are provided in respect to existing police courts, except the police court of Worcester and the municipal court of Boston, by the one hundred and sixteenth chapter of the General Statutes, and by all general laws passed in amendment thereof applicable to the several police courts of the Commonwealth, and all provisions of law relating to civil and criminal proceedings, the taxation of costs, the payment of fines, the expenses of court, the accounting and settling with the county and town treasurers for the money paid into court as forfeitures or otherwise; and the required returns applicable to the several police courts in the Commonwealth, except those before mentioned, shall apply to the police court of Holyoke, hereby established.

Police court established in Holyoke.

Jurisdiction.

SECTION 2. The said court shall consist of one standing justice and two special justices, to be appointed, commissioned and qualified pursuant to the constitution and laws of the Commonwealth.

Standing justice and two special justices.

SECTION 3. The standing justice of said court shall receive an annual salary of sixteen hundred dollars, to be paid from the treasury of the Commonwealth. The compensation of the special justices for duties performed by them, shall be such as is provided by law in similar cases.

Salaries of justices.

SECTION 4. All proceedings duly commenced before any trial justice or justice of the peace for the county of Hampden, within said district, before this act shall take effect, shall be prosecuted and determined as if this act had not been passed.

Proceedings commenced before trial justices, &c., to be concluded.

SECTION 5. This act shall take effect, so far as the appointing, commissioning and qualifying the standing justice and special justices of said court are concerned, upon its passage, and it shall take full effect in thirty days from its passage.

When to take effect.

Approved April 8, 1871.

AN ACT TO INCORPORATE THE MIDDLESEX CENTRAL RAILROAD COMPANY.

Chap. 174

Be it enacted, &c., as follows :

SECTION 1. George S. Boutwell, Henry M. Clark, Christopher W. Bellows, John Goldsmith and Simon Brown, their

Corporators.

Middlesex Central Railroad Company.

associates and successors, are hereby made a corporation by the name of the Middlesex Central Railroad Company ; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to railroad corporations.

May construct railroad from the Lexington and Arlington Branch, in Lexington, to the State line of New Hampshire.

SECTION 2. Said corporation is hereby authorized to locate, construct, maintain and operate a railroad with one or more tracks, from some convenient point on the Lexington and Arlington Branch Railroad, in the town of Lexington, thence running by some convenient route through the towns of Lexington, Bedford, the line at Bedford being within one mile of the main road at the centre of the town, Concord, Carlisle, Acton, Littleton, Westford, Groton and Pepperell, or any of them, to the state line of New Hampshire at the town of Brookline, and said Middlesex Central Railroad Company is hereby authorized to unite with any railroad company which may be incorporated in the state of New Hampshire, with authority to build a railroad in extension of the railroad hereby authorized. And when the two companies shall have so united, the stockholders of the one company shall become the stockholders of the other company, and the two companies shall constitute one corporation, by the name of the Middlesex Central Railroad Company ; and the franchise, property, powers and privileges acquired under the authority of the state of New Hampshire and this Commonwealth, respectively, shall be held and enjoyed by all the stockholders, in proportion to the number of shares or amount of property held by them, respectively, in either or both of said corporations, and in case of such union, one or more of the directors of said united corporations, shall at all times be an inhabitant of this Commonwealth.

May unite with any railroad in New Hampshire.

Capital stock and shares.

SECTION 3. The capital stock of said Middlesex Central Railroad Company shall not exceed ten hundred thousand dollars, and shall be divided into shares of one hundred dollars each, the number of which shall be determined, from time to time, by the directors thereof.

May enter upon, unite with or lease to Boston and Lowell Railroad.

SECTION 4. Said Middlesex Central Railroad Company is hereby authorized to enter with its railroad upon, unite the same with and use the railroad of the Boston and Lowell Railroad Corporation, subject to the provisions of the general laws ; and is further authorized to lease its road franchise, or any part thereof, to the Boston and Lowell Railroad Corporation, which is hereby authorized to hire the same ; and said corporations may at any time hereafter, by a vote of a majority in interest of the stockholders present, and voting

at meetings of each corporation called for that purpose, unite and make joint stock upon such terms and conditions as may be mutually agreed upon; and such votes so passed by said corporations respectively shall be effectual to unite said corporations within the intent and meaning of this act; and said corporation so formed shall have, hold and possess all the powers, privileges, rights, franchises, property, claims and demands, which at the time of such union, may be held and enjoyed by either of said existing corporations, and be subject to all the duties, restrictions, debts and liabilities to which at the time of union either is subject in severalty.

SECTION 5. This act shall take effect upon its passage, and shall be void unless said railroad shall be located within three years, and constructed within four years from the passage hereof.

To be located within three years and built within four years.

Approved April 10, 1871.

AN ACT TO INCORPORATE THE NASHUA, ACTON AND BOSTON RAILROAD COMPANY.

Chap. 175

Be it enacted, &c., as follows:

SECTION 1. Edward H. Spaulding, Henry Parkinson, James T. Burnap, Charles Tarbell, Charles G. Sargeant, Jacob Smith, Daniel Wetherbee, John Fletcher, junior, their associates and successors, are hereby made a corporation by the name of the Nashua, Acton and Boston Railroad Company; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force relating to railroad corporations.

Powers and duties.

SECTION 2. Said corporation may locate, construct, maintain and operate a railroad with one or more tracks, commencing at some convenient point on the line of the state in the town of Dunstable, thence running by some convenient route through the towns of Tyngsborough, Groton, Westford, Littleton and Acton, or any of them, to some point on the Framingham and Lowell Railroad, north of Wetherbee's Mills, in Acton; and may enter with its road upon, unite with, and use the road and branches of the Framingham and Lowell Railroad Company, subject to the provisions of the general laws.

May construct railroad from State line in Dunstable to Framingham and Lowell road in Acton.

SECTION 3. The capital stock of said corporation shall not exceed six hundred thousand dollars, and shall be divided into shares of one hundred dollars each, the number of which shall be determined from time to time by its directors.

Capital stock and shares.

SECTION 4. This act shall take effect upon its passage, and shall be void unless said railroad shall be located within

To be located in two years and constructed in four years.

two years, and constructed within four years from the passage hereof.

Approved April 10, 1871.

Chap. 176 AN ACT TO INCORPORATE THE TYNGSBOROUGH AND BROOKLINE RAILROAD COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Alpheus Swallow, Thomas F. Tarbell, John A. Goodwin, their associates and successors, are hereby made a corporation by the name of the Tyngsborough and Brookline Railroad Company ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to railroad corporations.

May construct railroad from Nashua and Lowell road in Tyngsboro', to New Hampshire line at Brookline.

SECTION 2. Said corporation is hereby authorized to locate, construct, maintain and operate a railroad, with one or more tracks, from some convenient point on the railroad of the Nashua and Lowell Railroad Corporation, near its depot in Tyngsborough ; thence running by some convenient route through the towns of Tyngsborough, Dunstable and Pepperell, to the line of the state of New Hampshire, at the town of Brookline therein.

May enter upon, unite with, or lease to Nashua and Lowell Railroad.

SECTION 3. Said company is hereby authorized to enter with its railroad upon, unite the same with, and use the railroad of said Nashua and Lowell Railroad Corporation ; and said Nashua and Lowell Railroad Corporation may enter with its railroad upon, unite the same with, and use the railroad of the said Tyngsborough and Brookline Railroad Company, subject to the provisions of the general laws ; and said last-named company may lease or sell its road, franchise and other property, to said Nashua and Lowell Railroad Corporation, and said Nashua and Lowell Railroad Corporation is hereby authorized to hire or purchase the same.

Capital stock and shares.

SECTION 4. The capital stock of said corporation shall not exceed four hundred thousand dollars, and shall be divided into shares of one hundred dollars each, the number of which shall be determined from time to time by its directors.

May unite with any railroad incorporated in New Hampshire.

SECTION 5. Said company is hereby authorized to unite with any railroad company which may be incorporated in the state of New Hampshire, with authority to build a railroad from or near the centre of said Brookline to the state line, at the terminus of the railroad hereby authorized to be constructed. And when the two companies shall have so united, the stockholders of the one company shall become the stockholders of the other company, and the two companies shall constitute one corporation, by the name of the Tyngsborough and Brookline Railroad Company ; and the

franchise, property, powers and privileges acquired under the authority of the state of New Hampshire and this Commonwealth, respectively, shall be held and enjoyed by all the stockholders, in proportion to the number of shares or amount of property held by them, respectively, in either or both of said corporations.

SECTION 6. One or more of the directors, or other officers of said united corporations, shall at all times be an inhabitant of this Commonwealth, on whom process against said company may be legally served; and said company shall be held to answer in the jurisdiction where the service is made and the process is returnable.

One or more directors or other officers to be inhabitant of Mass.

SECTION 7. Said company, and the stockholders therein, so far as their railroad is situated in Massachusetts, shall be subject to all the duties, restrictions and liabilities mentioned in the first section of this act, to the same extent as they would have been if the union of said companies had not taken place.

Duties, restrictions and liabilities.

SECTION 8. This act shall take effect upon its passage, and shall be void unless said railroad shall be located within two years, and constructed within four years from the passage hereof.

To be located within two years and constructed within four years.

Approved April 10, 1871.

AN ACT TO MAKE THE NORTHAMPTON BRIDGE FREE.

Be it enacted, &c., as follows:

SECTION 1. The bridge over the Connecticut River, between the towns of Northampton and Hadley, including the piers and abutments thereof, is hereby laid out and shall become a public highway, upon the acceptance of the award of the commissioners hereinafter named, by the supreme judicial court and entry of judgment thereon.

Chap. 177

Bridge over Connecticut River between Northampton and Hadley laid out as highway.

SECTION 2. The supreme judicial court sitting in any county, or any justice thereof, after such notice as they may order, upon the application of the selectmen of either of the towns of Northampton or Hadley, shall appoint a board of three commissioners; and said commissioners having first been duly sworn to the faithful and impartial discharge of their duties, shall, after due notice to all the parties interested, and a hearing thereon, determine and award the amount to be paid the proprietors of the Northampton Bridge as damages for the laying out of said bridge, piers and abutments, and way, as a public highway; and for the land, toll-house and all appurtenances thereof, lying west of said bridge, belonging to said proprietors. Said commissioners shall also determine and decree what towns in the county of Hampshire are or will be specially benefited by the provis-

Commissioners to be appointed by S. J. C. upon application of Northampton or Hadley.

— to award damages to be paid proprietors.

— to decree what proportion shall be paid towns and county.

— to determine by whom bridge shall be supported.

ions of the first section of this act, and shall determine and decree what proportions of the damages aforesaid shall be paid by the said towns, and by the county of Hampshire, respectively.

Said commissioners shall also determine in what proportions and manner the said county of Hampshire and the towns benefited as aforesaid, shall defray the expenses of the maintenance and repairs of said bridge, abutments, piers and way and all other expenses properly incurred under the provisions of this act. And their determination and decree, or that of a major part of them, shall be made in writing and reported to the supreme judicial court for the county of Hampshire, and also to said proprietors and to each of said towns, and to the county commissioners of Hampshire county. And the same shall be binding upon all the parties interested therein, except that the said proprietors, or the county commissioners of said county of Hampshire in behalf of said county or of any or all of said towns affected by said decree, may appeal to a jury from the award of the commissioners. And any party so appealing who shall not obtain by verdict of said jury an award more favorable than by said decree, shall forfeit and pay all costs of hearing and trying such appeal. If neither party shall so appeal to a jury within sixty days after receiving the award and decree of said commissioners as aforesaid, then the same shall be absolutely binding upon all the parties interested therein. When the same shall have been accepted and judgment entered thereon by the supreme judicial court, the just fees and expenses of said commissioners shall be paid by such of the parties interested as the said commissioners shall decree.

Right of appeal.

Fees and expenses of commissioners.

Proceedings in case of appeal to a jury.

Damages and costs.

SECTION 3. If the said proprietors shall appeal to a jury from the award of the said commissioners as aforesaid, the same proceedings shall be had, and the same liabilities in regard to costs incurred, as is provided by law in the case of laying out highways by the county commissioners. The application for such jury shall be made to and acted upon by the county commissioners of Hampshire county, and said jury may award to said proprietors a different sum as damages. The award of said jury shall be reported to the supreme judicial court, for the county of Hampshire, and when accepted, final judgment shall be entered upon the award of the commissioners aforesaid, as modified by the award of said jury. All damages awarded and costs incurred under this section, shall be paid by the same parties, and in the same proportions, as is provided in relation to the pay-

ment of damages in section second, when the damages awarded by the jury shall exceed those awarded by the commissioners.

And if the said county commissioners shall appeal from the award of said commissioners it shall be to the supreme judicial court.

SECTION 4. Upon the said bridge, piers, abutments and way becoming a highway as aforesaid, the selectmen of the town of Northampton shall have the care and superintendence of the same, and cause them to be kept in good repair, and safe and convenient for travel; the cost of the repairs, care and superintendence of said bridge, its abutments and piers, shall be borne by such parties as the board of commissioners shall determine, under authority herein before granted.

Northampton
to have care of
bridge.

SECTION 5. Liability for defects in the bridge, its abutments and piers, shall exist on the part of the towns of Northampton and Hadley in such proportions as the county commissioners of the county of Hampshire shall determine.

Liability for defects
in bridge.

SECTION 6. Upon the bridge becoming a public highway as herein provided, the fee simple in the toll-house, land and appurtenances thereof, belonging to the aforesaid bridge company, lying west of said bridge, shall be vested in the town of Northampton, the income of which shall be used in repairs and superintendence of said bridge.

Toll-house,
land, &c., vested
in North-
ampton.

SECTION 7. If no application, as provided in section two, shall be made to the supreme judicial court on or before the second day of March, in the year eighteen hundred and seventy-three, then the time for which tolls are established and granted to the said proprietors, by act approved March second, eighteen hundred and three, is hereby extended, subject to the provisions of said act, for the term of twenty years from said second day of March, eighteen hundred and seventy-three, and subject also to all the provisions of the preceding sections.

If no applica-
tion made under
section two,
tolls to be con-
tinued twenty
years.

SECTION 8. This act shall take effect upon its passage.

Approved April 10, 1871.

AN ACT TO AUTHORIZE THE CITY OF TAUNTON TO CHANGE THE COURSE OF LITTLE RIVER.

Chap. 178

Be it enacted, &c., as follows :

SECTION 1. The city of Taunton is hereby authorized to change the course of Little River, in said city, by filling up the southerly branch thereof, where it now crosses Hill street and Weir street, and enlarging the northerly branch thereof, where it crosses Weir street; and to discontinue and remove the present bridges over said southerly branch.

May change
course of Little
River.

Proceedings to be conducted as in laying out and altering highways.

SECTION 2. All the proceedings in relation to such alteration shall be conducted in like manner as in laying out, altering or discontinuing highways in said city; and any person or corporation injured by such alteration shall have the like remedies for recovering damages sustained thereby, as in cases of laying out or altering highways, so far as the same are applicable thereto.

SECTION 3. This act shall take effect upon its passage.

Approved April 10, 1871.

Chap. 179

AN ACT TO INCORPORATE THE SAWIN ACADEMY IN SHERBORN.

Be it enacted, &c., as follows :

Academy incorporated in Sherborn, to hold estate bequeathed by Martha Sawin.

SECTION 1. A corporation is hereby created by the name of Sawin Academy, to take, hold and manage the estate, real and personal, devised and bequeathed to the town of Sherborn, by Martha Sawin, late of Natick, deceased, and to execute the trusts upon which said estate was given to said town, according to the terms of the will of said deceased, with the powers and privileges, and subject to the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to such corporations.

Corporation to consist of five trustees elected by the town.

SECTION 2. The corporation shall consist of five trustees, elected by said town from among the inhabitants thereof, at its annual meetings by ballot. Those heretofore elected shall hold office as follows: Jonathan Holbrook, five years; Abijah R. Leland, four years; Amos Bullard, three years; Edmund Dowse, two years; and Amos Bigelow, one year, from the annual March meeting, in the year eighteen hundred and seventy-one. At the expiration of the term for which any trustee is elected, his successor shall be chosen for five years. Any vacancy by death, resignation, removal from town, or otherwise, may at any town meeting called for that purpose, be filled by election for the remainder of the term.

Term of office, vacancy, &c.

To manage fund given by Thomas Dowse.

SECTION 3. Said corporation shall also take, hold and manage the fund or property given to said town by Thomas Dowse, late of Cambridge, deceased, and shall execute the trusts upon which said property or fund was given to said town according to the terms of the instrument signed by George Livermore and Eben Dale, executors of the will of said Dowse, and recorded in the records of said town.

To keep funds &c., of the two trusts separately.

SECTION 4. All the estate, funds and property, both real and personal, so given to said town by said Sawin and Dowse, shall immediately vest in said corporation upon the passage of this act. The corporation shall keep the funds and prop-

erty of said two trusts separate from each other, and shall appropriate the income thereof for the purposes for which said trusts respectively were created; may bargain, sell, transfer and convey any of the trust estate, real or personal, of either trust, and reinvest the proceeds thereof in other investments from time to time as deemed best for the interest of the trusts. And the corporation may appropriate from the principal of the Sawin trust estate a sum not exceeding fifteen thousand dollars in the purchase of a lot of land and the erection of a building thereon, for a public school, as provided in said will.

May use \$15,000 of Sawin trust for a public school-house.

SECTION 5. The trustees shall annually render to the town of Sherborn, accounts of the condition of said trust estates and funds, and the receipts and expenditures thereof, which shall be printed, and a printed report also of the condition of said school or academy, specifying the number of scholars and their deportment and proficiency, with such other information in relation thereto as they may deem useful to the town.

Trustees to render to the town annually an account of receipts and expenditures.

SECTION 6. This act shall take effect upon its passage.

Approved April 12, 1871.

AN ACT TO AMEND THE CHARTER OF THE CITY OF NEW BEDFORD IN RELATION TO HIGHWAY SURVEYORS.

Chap. 180

Be it enacted, &c., as follows :

SECTION 1. The mayor and aldermen of the city of New Bedford shall perform all the duties and be subject to all the liabilities of highway surveyors.

Mayor and aldermen to be surveyors of highways.

SECTION 2. All acts of the mayor and aldermen of said city which might lawfully be done by such surveyors, are hereby confirmed.

Acts confirmed.

SECTION 3. This act shall take effect upon its passage.

Approved April 12, 1871.

AN ACT TO REVIVE THE CHARTER OF THE CHARLES RIVER NAVIGATION COMPANY.

Chap. 181

Be it enacted, &c., as follows :

SECTION 1. The time for organizing the Charles River Navigation Company, incorporated by chapter fifty-seven of the acts of the year eighteen hundred and fifty-seven, is hereby extended to the first day of January, in the year eighteen hundred and seventy-four, and said corporation is hereby revived, and upon organization before said date, shall possess all the powers and be entitled to all the privileges secured by said original charter: *provided*, that all things done under this act shall be subject to the determination of the harbor commissioners, and subject also to the

Charter revived and extended.

Proviso.

provisions of section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six, and chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

SECTION 2. This act shall take effect upon its passage.

Approved April 12, 1871.

Chap. 182

AN ACT TO ESTABLISH THE CITY OF SOMERVILLE.

Be it enacted, &c., as follows :

City establish-
ed.

SECTION 1. The inhabitants of the town of Somerville shall continue to be a body politic and corporate, under the name of the City of Somerville, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations now incumbent upon and pertaining to the said town as a municipal corporation.

Government
vested in mayor
and city council.

SECTION 2. The administration of all the fiscal, prudential and municipal affairs of the said city, with the government thereof, shall be vested in one officer, to be called the mayor, one council of eight, to be called the board of aldermen, and one council of sixteen, to be called the common council; which boards, in their joint capacity, shall be denominated the city council; and the members thereof shall be sworn to the faithful performance of their respective duties. A majority of each board shall constitute a quorum for the transaction of business, and no member of either board shall receive any compensation for his services.

Quorum.

Selectmen to
divide town in-
to four wards.

SECTION 3. It shall be the duty of the selectmen of said town, as soon as may be after the passage of this act and its acceptance as herein provided, to divide said town into four wards, so that they shall contain, as nearly as may be consistent with well defined limits to each ward, an equal number of voters in each ward, which division may be revised by the city council within two years from the passage hereof. The city council may, in the year eighteen hundred and seventy-five, and in every tenth year thereafter, make a new division of said wards, so that they shall contain, as nearly as may be consistent with well defined limits to each ward, an equal number of voters in each ward, according to the census to be taken in the month of May in said years.

Ward bounda-
ries may be
changed once
in ten years.

Election of city
and ward offi-
cers.

SECTION 4. The election of city and ward officers shall take place on the first Monday of December, annually, and the municipal year shall begin on the first Monday of January following.

Ward officers to
be chosen an-
nually.

SECTION 5. On the first Monday of December annually there shall be elected by ballot, in each of said wards, a

warden, clerk and three inspectors of elections, who shall be different persons, residents in the ward, who shall hold their offices one year and until others shall be elected and qualified in their stead. Said wardens shall preside at all ward meetings, with the power of moderators of town meetings; and if at any meeting the warden is not present, the clerk shall preside until a warden *pro tempore* is elected by ballot; if both the warden and clerk are absent, the senior in age of the inspectors present shall preside until a warden *pro tempore* is thus elected; and if all said officers are absent, any legal voter in said ward may preside until a warden *pro tempore* is elected. When any ward officer is absent or neglects to perform his duty, his office shall be filled *pro tempore*. The clerk shall record all the proceedings and certify the votes, and deliver to his successor in office all the records, journals, documents and papers held by him in his said capacity. The inspectors shall assist the warden in receiving, assorting and counting the votes. All said officers shall be sworn to a faithful discharge of their duties, said oath to be administered by the clerk to the warden, and by the warden to the clerk, and to the inspectors, or to either of said officers by any justice of the peace for the county of Middlesex. Certificates of such oaths shall be made by the clerk upon the ward records. All warrants for meetings of the citizens for municipal purposes, to be held either in wards or in general meeting, shall be issued by the mayor and aldermen, and shall be in such form, and served and returned in such manner and at such times, as the city council shall direct. The compensation of the ward officers shall be fixed by concurrent vote of the city council.

Powers.

Inspectors.

Officers to be sworn.

Warrants for meetings of citizens.

SECTION 6. The mayor and aldermen are authorized, when no convenient ward room for holding ward meetings of the citizens of either of the wards of the city can be had within the territorial limits of such ward, to appoint and direct, in the warrants for calling the ward meetings of such wards, the said meetings to be held in some convenient and proximate place within the limits of any other of the wards of said city; and for such purposes the place so assigned for the meetings of such ward shall be deemed and taken to be included in and part of said ward, as though the same was within the territorial limits thereof.

Ward meetings may be held without the limits of ward.

SECTION 7. The mayor shall be elected by the qualified voters of the city at large, voting in their respective wards, and shall hold his office for the municipal year next following his election, and until another shall be elected and qualified in his place.

Mayor elected at large for one year.

Eight aldermen
elected at large
for one year.

SECTION 8. Eight aldermen, two aldermen being selected from each ward, shall be elected by the qualified voters of the city at large, voting in their respective wards, who shall hold their offices for the municipal year next following their election, and until a majority of the new board shall be elected and qualified in their places.

Common coun-
cil, two from
each ward.

SECTION 9. Four common councilmen shall be elected by and from the voters of each ward, and shall at the time of their election be residents of the wards respectively in which they are elected; they shall hold their offices for the municipal year next following their election, and until a majority of the new board shall be elected and qualified in their places.

Election to be
held first Mon-
day in Decem-
ber.

SECTION 10. On the first Monday of December annually, the qualified voters in the several wards shall give in their votes by ballot, for mayor, aldermen and common councilmen, in accordance with the provisions of this act; and all the votes so given shall be assorted, counted, declared and recorded in open ward meeting by causing the names of persons voted for, and the number given for each, to be written in the ward record at length. The clerk of the ward, within twenty-four hours thereafter, shall deliver to the persons elected members of the common council, certificates of their elections respectively, signed by the warden and clerk and a majority of the inspectors of elections, and shall deliver to the city clerk a copy of the record of such elections certified in like manner. The board of aldermen shall within ten days thereafter examine the copies of the records of the several wards, certified as aforesaid, and shall cause the person who shall have been elected mayor to be notified in writing of his election; but if the person elected shall refuse to accept the office, the board shall issue warrants for a new election, and the same proceedings shall be had in all respects as are herein before provided for the election of mayor, and from time to time shall be repeated, until a mayor shall be elected and shall accept said office. In case of the decease, resignation or absence of the mayor or of his inability to perform the duties of his office, or in case of a vacancy in the office of mayor from any cause, it shall be the duty of the board of aldermen and common council respectively, by vote, to declare that a vacancy exists, and the cause thereof; and thereupon the city council shall, by concurrent vote elect a mayor to fill such vacancy; and the mayor thus elected shall hold his office until the inability causing such vacancy shall be removed or until a new election. Each alderman shall be notified in writing of his election by the mayor and aldermen

Certificates of
election of com-
mon council.

Vacancy in of-
fice of mayor.

for the time being. The oath prescribed by this act shall be administered to the mayor by the city clerk or by any justice of the peace for the county of Middlesex. The aldermen and common councilmen elect shall on the first Monday of January, at ten o'clock in the forenoon, meet in convention, when the oath required by this act shall be administered to the members of the two boards present, by the mayor, or by any justice of the peace for the county of Middlesex, and a certificate of such oath having been taken, shall be entered on the journal of the mayor and aldermen, and of the common council, by their respective clerks. After the oath has been administered as aforesaid, the two boards shall separate, and the common council shall be organized by the election of a president and clerk, to hold their offices respectively during the pleasure of the common council, the clerk to be under oath faithfully to perform the duties of his said office; and his compensation shall be fixed by concurrent vote of the city council. In case of the absence of the mayor elect on the first Monday of January, or if a mayor shall not then have been elected, the city council shall organize itself in the manner herein before provided, and may proceed to business in the same manner as if the mayor was present; and the oath of office may at any time thereafter, in convention of the two boards, be administered to the mayor, and any member of the city council who may have been absent at the organization. In the absence of the mayor, the board of aldermen may elect a presiding officer *pro tempore*, who shall also preside at the joint meetings of the two boards. Each board shall keep a record of its own proceedings, and judge of the elections of its own members; and in case of vacancy in either board, the mayor and aldermen shall issue their warrants for a new election.

Oath of office.

President and clerk of common council.

Presiding officer to be elected if mayor is absent.
Records.

SECTION 11. The mayor shall be the chief executive officer of the city. It shall be his duty to be active and vigilant in causing the laws and regulations of the city to be enforced and to keep a general supervision over the conduct of all subordinate officers; and he may, whenever in his opinion the public good may require, remove, with the consent of the appointing power, any officer over whose appointment he has, in accordance with the provisions of this charter, exercised the power of nomination. He may call special meetings of the boards of aldermen and common council or either of them, when in his opinion the interests of the city require it, by causing notices to be left at the usual place of residence of each member of the board or boards to be convened. He shall from time to time communicate to both boards such in-

Mayor to be chief executive officer of the city.

May remove his own appointees.

May call special meetings of city council.

To preside in
board of alder-
men and in
convention.
Salary.

formation and recommend such measures as the business and interests of the city may in his opinion require. He shall preside in the board of aldermen and in convention of the two boards, but shall have a casting vote only. His salary for the first five years, under this charter, shall be fixed by the city council, but shall not exceed the sum of one thousand dollars per annum. Afterwards it shall be fixed by concurrent vote of the city council. It shall be payable at stated periods, but shall not, at any time, be increased or diminished during the year for which he is elected. He shall receive no other compensation.

Executive pow-
er vested in
mayor and al-
dermen.

SECTION 12. The executive power of said city generally, with all the powers heretofore vested in the selectmen of towns by the laws of the Commonwealth, shall be vested in and may be exercised by the mayor and aldermen as fully as if the same were herein specially enumerated. The mayor and aldermen shall have full and exclusive power to appoint a constable or constables, a chief of police with all the powers and duties of a constable, and all other police, and all subordinate officers whose election is not herein provided for, and the same to remove at pleasure; and they may require any person who may be appointed a constable or chief of police of the city to give bonds for the faithful discharge of the duties of the office, with such security and to such an amount as they may deem reasonable and proper; upon which bonds the like proceedings and remedies may be had as are by law provided in case of constables' bonds taken by the selectmen of towns. The compensation of the police and other subordinate officers shall be fixed by concurrent vote of the city council. The city council shall have the care and superintendence of the city buildings and the custody and management of all city property, with power to let what may be legally let, and to sell or purchase property, real or personal, in the name and for the use of the city, whenever its interests or convenience may in their judgment require it; and they shall as often as once a year cause to be published, for the use of the inhabitants, a particular account of the receipts and expenditures, and a schedule of city property and of the city debt.

Constables and
police officers.

May be requir-
ed to give
bonds.

Custody and
management of
city property.

Report of re-
ceipts and ex-
penditures.
Appointments
by mayor and
aldermen.

SECTION 13. In all cases in which appointments are directed to be made by the mayor and aldermen, the mayor shall have the exclusive power of nomination, being subject, however, to confirmation or rejection by the board of aldermen; and no person shall be eligible, by appointment, or election by the mayor and aldermen or city council, to any office of emolument, the salary of which is payable out of the city

treasury, who at the time, of such appointment or election shall be a member of the board of aldermen or of the common council. All sittings of the mayor and aldermen, of the common council and of the city council, shall be public when they are not engaged in executive business.

SECTION 14. The city council shall annually, as soon after their organization as may be convenient, elect by joint ballot in convention, a treasurer and collector of taxes, city clerk, one or more superintendents of streets, a city physician, a chief engineer of the fire department and as many assistant engineers, not exceeding eight, as they may deem sufficient, and by concurrent vote, a city solicitor and city auditor, who shall hold their offices for the term of one year next ensuing, and until others shall be elected and qualified in their stead: *provided, however*, that either of the officers named in this section may be removed at any time by the city council for sufficient cause. Vacancies occurring in the above named offices may be filled at any time. The compensation of the officers mentioned in this section shall be fixed by concurrent vote of the city council.

Treasurer, city clerk and other officers.

Proviso.

Vacancies.

Compensation.

SECTION 15. The city clerk shall also be clerk of the board of aldermen, and shall be sworn to the faithful performance of his duties. He shall perform such duties as shall be prescribed by the board of aldermen, and he shall perform all the duties and exercise all the powers incumbent by law upon him. He shall deliver to his successor in office, as soon as he shall be elected and qualified, all the records, journals, documents and papers held by him in his said capacity.

City clerk, duties, &c.

SECTION 16. The city council shall annually, as soon after their organization as may be convenient, elect by joint ballot in convention, a water committee of five persons who shall hold their offices for the term of one year next ensuing, and until others shall be elected and qualified in their stead. The persons so elected shall constitute the Somerville Mystic water board, and they shall have all the powers and rights conferred on the water committee of said town by section three of chapter two hundred and two of the acts of the year one thousand eight hundred and sixty-eight. Vacancies occurring in the board may be filled by joint ballot of the city council at any time.

Water committee.

SECTION 17. The city council elected in December in the year eighteen hundred and seventy-one, shall as soon after their organization as may be convenient, elect by joint ballot in convention, three persons to be overseers of the poor, one for three years, one for two years, and one for one year; and

Overscers of the poor.

Mayor to be
chairman of
board.

thereafter the city council shall annually as soon after their organization as may be convenient, elect in the same manner one person who shall hold his office for the term of three years next ensuing, and until another shall be elected and qualified in his stead; but no more than one of the three members so to be elected shall be eligible from any one ward of said city. The persons so elected shall, with the mayor and president of the common council, constitute the board of overseers of the poor. The mayor shall be *ex officio* chairman of the board. Vacancies occurring in the board may be filled by joint ballot of the city council at any time; the member so elected to hold office only for the unexpired term of the member who has ceased to hold office. The city council may at any time remove any elected member of the said board from office for cause. The compensation of the overseers of the poor shall be fixed by concurrent vote of the city council.

Assessors of
taxes.

SECTION 18. The city council elected in December, in the year eighteen hundred and seventy-one, shall, as soon after their organization as may be convenient, elect by concurrent vote three persons to be assessors of taxes, one for three years, one for two years and one for one year; and thereafter the city council shall annually, as soon after their organization as may be convenient, elect in the same manner, one person who shall hold his office for the term of three years next ensuing, and until another shall be elected and qualified in his stead. The persons so elected shall constitute the board of assessors, and shall exercise the powers, and be subject to the liabilities and duties of assessors in towns. Vacancies occurring in the board may be filled by concurrent vote of the city council at any time, the member so elected to hold office only for the unexpired term of the member who has ceased to hold office. All taxes shall be assessed, apportioned and collected in the manner prescribed by the general laws of the Commonwealth: *provided, however*, that the city council may establish further or additional provisions for the collection thereof. The compensation of the assessors shall be fixed by concurrent vote of the city council.

Vacancies.

Assistant-as-
sessors.

SECTION 19. The city council shall annually, as soon after their organization as may be convenient, elect by concurrent vote, one person from each ward to be an assistant-assessor; and it shall be the duty of the person so elected to furnish the assessors with all necessary information relative to persons and property taxable in their respective wards, and they shall be sworn to the faithful performance of their duty.

Vacancies occurring may be filled by concurrent vote of the city council at any time. The compensation of the assistant-assessors shall be fixed by concurrent vote of the city council.

SECTION 20. The qualified voters of each ward shall, on the first Monday of December, in the year eighteen hundred and seventy-one, elect by ballot three persons in each ward, who shall be residents of said ward, to be members of the school committee, one for three years, one for two years and one for one year from the first Monday of January, in the year eighteen hundred and seventy-two; and thereafter, on the first Monday of December annually, there shall be elected in the same manner, one person in each ward, who shall be a resident of said ward, who shall hold his office for the term of three years from the first Monday of January next ensuing. The persons so elected shall, with the mayor and president of the common council, constitute the board of school committee, and have the care and superintendence of the public schools. The mayor shall be *ex officio* chairman of the board. Vacancies occurring in the board, may be filled by joint ballot of the city council and school committee at any time, the member so elected to hold office only for the remainder of the municipal year. All the rights and obligations of said town of Somerville in relation to the grant and appropriation of money to the support of schools, and the special powers and authority heretofore conferred by law upon the inhabitants of said town, to raise money for the support of schools therein, shall be merged in the powers and obligations of the city, to be exercised in the same manner as over other subjects of taxation; and all grants and appropriations of money for the support of schools and the erection and repair of school-houses in said city, shall be made by the city council, in the same manner as grants and appropriations are made for other city purposes.

School committee, three members from each ward.

Mayor to be chairman of board.

Rights and obligations of town concerning school money.

SECTION 21. The city council shall take care that no money be paid from the treasury unless granted or appropriated, and shall secure a just and proper accountability, by requiring bonds with sufficient penalties and sureties from all persons intrusted with the receipt, custody or disbursement of money.

Council to see that money is properly paid from treasury.

SECTION 22. The city council shall have exclusive authority and power to lay out any new street or town way, and to estimate the damages any individual may sustain thereby; but all questions relating to the subject of laying out, accepting, altering or discontinuing any street or way, shall first be acted upon by the mayor and aldermen; and any per-

Laying out, altering and accepting streets.

son dissatisfied with the decision of the city council in the estimate of damages, may make complaint to the county commissioners of the county of Middlesex, at any meeting held within one year after such decision, whereupon the same proceedings shall be had as are now provided by the laws of this Commonwealth, in cases where persons are aggrieved by the assessment of damages by selectmen, in the forty-third chapter of the General Statutes.

Inspection and survey of lumber, hay, coal, &c.

SECTION 23. The city council may make by-laws with suitable penalties for the inspection, survey, measurement and sale of lumber, wood, hay, coal and bark, brought into or exposed in said city for sale, and shall have the same powers as the town had in reference to the suspension of the laws for the protection and preservation of useful birds, and of all other laws, the operation or suspension of which is subject to the action of the town thereon. The city council may also make all such salutary and needful by-laws as towns, by the laws of this Commonwealth have power to make and establish, and to annex penalties, not exceeding twenty dollars, for the breach thereof; which by-laws shall take effect and be in force from and after the time therein respectively limited, without the sanction of any court, but subject to the approval of the mayor: *provided, however*, that all laws and regulations in force in said town, shall, until they shall expire by their own limitation, or be revised or repealed by the city council, remain in force; and all fines and forfeitures for the breach of any by-law or ordinance shall be paid into the city treasury.

By-laws subject to the approval of the mayor.

Proviso.

Election of national, state, county and district officers.

SECTION 24. All elections of national, state, county and district officers who are voted for by the people, shall be held at meetings of the citizens qualified to vote at such elections in their respective wards, at the time fixed by law for these elections respectively.

Mayor and aldermen to make lists of voters annually and deliver to clerks of wards.

SECTION 25. Ten days prior to every election the mayor and aldermen shall make out lists of all the citizens of each ward qualified to vote in such elections, in the manner in which selectmen of towns are required to make out lists of voters; and for that purpose they shall have full access to the assessors' books and lists, and are empowered to call for the assistance of the assessors, assistant-assessors, and other city officers; and they shall deliver the lists so prepared and corrected to the clerks of the several wards, to be used at such elections; and no person shall be entitled to vote whose name is not borne on such list. A list of the voters of each ward shall be posted in one or more public places in each ward.

Lists of voters to be posted.

SECTION 26. General meetings of the citizens qualified to vote, may from time to time be held, to consult upon the public good, to instruct their representatives, and to take all lawful means to obtain redress for any grievances, according to the right secured to the people by the constitution of this Commonwealth. And such meetings may and shall be duly warned by the mayor and aldermen, upon the request, in writing, setting forth the purposes thereof, of fifty qualified voters.

General meet-
ings of citizens.

SECTION 27. All power and authority now vested by law in the board of health for said town, or in the selectmen thereof, shall be transferred to and vested in the city council, to be by them exercised in such manner as they may deem expedient.

Board of
health.

SECTION 28. All power and authority now vested in the selectmen of said town in relation to the fire department in said town shall be transferred to and vested in the mayor and aldermen; but the city council shall have power to establish fire limits within the city, and from time to time change and enlarge the same; and by ordinance they shall regulate the construction of all buildings erected within said fire limits, stipulating their location, size, and the materials of which they shall be constructed, together with such other rules and regulations as shall tend to insure the same from damage by fire.

Fire depart-
ment.

SECTION 29. The power and authority vested in said town of Somerville by sections one and two of chapter two hundred and two of the acts of the year one thousand eight hundred and sixty-eight, and by chapter seventy-two of the acts of the year one thousand eight hundred and seventy, shall continue in force.

Water works.

SECTION 30. All acts and parts of acts inconsistent with this act, are hereby repealed: *provided, however*, that the repeal of the said acts shall not affect any act done, or any right accruing or accrued or established, or any suit or proceeding had or commenced in any civil case before the time when such repeal shall take effect, and that no offence committed and no penalty or forfeiture incurred under any act hereby repealed and before the time when such repeal shall take effect, shall be affected by the repeal, and that no suit or prosecution pending at the time of the said repeal, for any offence committed or for the recovery of any penalty or forfeiture incurred under said acts, shall be affected by such repeal; and *provided, also*, that all persons who at the time of the said repeal taking effect shall hold any office under the said acts, shall continue to hold the same until the or-

Inconsistent
acts repealed.

ganization of the city government contemplated by this charter shall be completely effected.

Selectmen to issue warrants for election of city officers.

SECTION 31. For the purpose of organizing the system of government hereby established, and putting the same in operation in the first instance, the selectmen of the town of Somerville, for the time being, shall issue their warrants seven days at least previous to the first Monday of December of the present year, calling meetings of the citizens of each ward on that day, at such place and hour as they may deem expedient, for the purpose of electing a warden, clerk, and inspectors for each ward, and all other officers whose election is provided for in the preceding sections of this act; and the transcripts of the records in each ward, specifying the votes given for the several officers aforesaid, certified by the warden and clerk of the ward at said first meeting, shall be returned to said selectmen, whose duty it shall be to examine and compare the same and give notice thereof in manner before provided to the several persons elected. At said first meeting, a list of voters in each ward, prepared and corrected by the selectmen for the time being, shall be delivered to the clerk of each ward, when elected, to be used as herein before provided. After the election of the city officers as aforesaid, the selectmen shall appoint a place for their first meeting, and shall, by written notice left at the place of residence of each member, notify them thereof. It shall be the duty of the city council immediately after the first organization, to carry into effect the several provisions of this act.

First meeting of city officers.

Subject to acceptance by legal voters.

SECTION 32. This act shall be void, unless the inhabitants of said town of Somerville, at a legal meeting to be held within sixty days from the passage of this act, shall by a vote of a majority of the voters present, voting thereon as herein-after provided, determine to adopt the same. At said meeting the votes shall be taken by written or printed ballots and the polls shall be kept open not less than six hours. The selectmen shall preside in said meeting, and in receiving said ballots shall use the check lists in the same manner as they are used in the election of state officers.

SECTION 33. This act shall take effect upon its passage.

Approved April 14, 1871.

Chap. 183 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY TO CHARLES BURRILL THE SUM OF FORTY THOUSAND DOLLARS.

Be it enacted, &c., as follows:

Boston authorized to pay Charles Burrill \$40,000.

SECTION 1. The city of Boston is hereby authorized to pay to Charles Burrill, of Brookline, the sum of forty thousand dollars, in satisfaction for all services rendered and

money expended by him, in procuring credits upon the quota of volunteers of said city, during the war of the rebellion, in conformity to the order passed by the city council of said city, and approved September twelfth, eighteen hundred and seventy, and may raise said sum by taxation or otherwise.

SECTION 2. This act shall take effect upon its passage.

Approved April 14, 1871.

AN ACT TO AUTHORIZE THE MASSACHUSETTS CENTRAL RAILROAD COMPANY TO EXTEND ITS RAILROAD.

Chap. 184

Be it enacted, &c., as follows:

SECTION 1. The Massachusetts Central Railroad Company is hereby authorized to locate, construct, maintain and operate a railroad, with one or more tracks, from some point within its chartered limits in the town of Weston, thence running through said town and the towns of Waltham, Newton, Watertown and Brighton, and the city of Cambridge, or any of them, to some convenient point adjacent to the location of the Boston and Albany Railroad Corporation within the present limits of ward four in said city, and thence parallel with and adjacent to the railroad of said corporation on either side thereof, to some point north of Cambridge street in Cambridge, and south of the tracks of the Fitchburg Railroad Corporation, and thence diverging by some convenient route to a convenient point of intersection with the tracks of the Boston and Lowell Railroad Corporation, the Eastern Railroad Corporation, or the Boston and Maine Railroad Corporation in the town of Somerville, the city of Cambridge or the city of Charlestown: *provided*, that within the present limits of wards one and four in the city of Cambridge, said railroad shall not be located so as to pass the intersection of South and Brighton streets on the northward thereof, nor so as to pass the intersection of Putnam street and Western avenue on the north-eastward thereof, nor so as to pass the intersections of Magazine, Pearl and Brookline streets with Hamilton street on the northward thereof; and *provided*, that if said railroad should cross the track of the Boston and Lowell Railroad Corporation, it shall pass under the grade thereof at some point not less than forty feet distant from the location line of the Fitchburg Railroad Corporation, and on the southerly side thereof, and shall not be located over or upon any portion of Miller's River or the flats therein lying southerly of the track of the Fitchburg Railroad Corporation, at a greater distance from the northerly main track of the Boston and Lowell Railroad Corporation than three hundred feet at right angles thereto; and *provided*, that in

May extend road from Weston to the Boston and Albany Railroad.

Proviso.

Proviso.

Proviso.

case said railroad should cross the track of the Eastern Railroad Corporation on the grade thereof, it shall so cross that the existing provisions of law will not require an additional stop of the trains of the Eastern Railroad Corporation in consequence of said crossing; and *provided*, that said railroad shall not at any point cross the road of the Fitchburg Railroad Corporation, except that in the town of Watertown it may pass between the grounds of the United States arsenal and the main track of the Watertown branch of said Fitchburg Railroad Corporation.

Proviso.

May construct road through Brighton and Brookline by another route.

SECTION 2. Said company is hereby authorized to locate, construct, maintain and operate a railroad, with one or more tracks, diverging from the route herein before described in the town of Brighton, and thence running through said town and the town of Brookline to some convenient point of intersection with the tracks of the Boston and Albany Railroad Corporation in the town of Brookline or the city of Boston, or with the tracks of the Boston and Providence Railroad Corporation in the city of Boston: *provided*, that if said railroad should cross the track of the Boston and Albany Railroad Corporation in Brighton, Brookline or Boston, it shall pass over or under the grade thereof; and if over the grade thereof, so as to leave a clear space of not less than eighteen feet above said track. Or, said company may locate, construct, maintain and operate a railroad with one or more tracks, from some point in Cambridge north of Broadway, there diverging from the line of the Boston and Albany Railroad Corporation to Charles River, and crossing Charles River by a suitable pile bridge to some point in Boston, between West Boston bridge and Cragie's bridge on the northern side of Charles street: *provided*, that said bridge hereby authorized to be built across Charles River, shall not be used for loading or discharging vessels.

Proviso.

Proviso.

Bridges over Charles River.

SECTION 3. The bridges which said company may build across Charles River below the head of navigation thereon, shall be constructed subject to the provisions of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six.

May connect with Boston and Albany and Providence Railroads, &c.

SECTION 4. Said company may connect its tracks with, enter upon and use the tracks of the Boston and Albany Railroad Corporation, the Boston and Providence Railroad Corporation, the Boston and Lowell Railroad Corporation, the Eastern Railroad Corporation, and the Boston and Maine Railroad Corporation, with the consent in writing of said corporations respectively obtained.

SECTION 5. In case said company shall use as aforesaid the tracks of either of said corporations for the purpose of entering the city of Boston, it is hereby authorized to purchase of either of said corporations any land held by it, or to take such land not held by any railroad corporation as may be necessary for their railroad and depots, according to law.

May purchase land if tracks are used to enter Boston.

SECTION 6. Said company is hereby authorized to locate, construct, maintain and operate a branch railroad with one or more tracks in the town of Barre, diverging from its main track in said town.

May construct branch road in Barre.

SECTION 7. Said company shall have with respect to the railroad hereby authorized to be constructed, and the grants herein contained, all the rights and privileges, and shall be subject to all the duties, liabilities and restrictions granted and imposed by the general laws upon railroad corporations and by the act by which said company was incorporated, and also by the first section of chapter three hundred and sixty-two of the acts of the year one thousand eight hundred and seventy.

Powers and duties.

SECTION 8. This act shall take effect when it shall have been accepted by said company, and it shall become void, so far as it relates to the construction of the railroad hereby authorized, unless the same be located within two years and constructed within four years after its passage.

Act to be accepted by company, and road located in two years and constructed in four years.

Approved April 14, 1871.

AN ACT IN ADDITION TO "AN ACT TO AUTHORIZE THE CITY OF BOSTON TO BUILD AN ADDITIONAL RESERVOIR."

Chap. 185

Be it enacted, &c., as follows:

SECTION 1. The city of Boston is hereby authorized, by and through the agency of the Cochituate water board therein, to construct an aqueduct, or to lay new main pipes from its reservoir constructed under the provisions of the one hundred and thirty-first chapter of the acts of the year eighteen hundred and sixty-five, through the towns of Brighton and Brookline, to the city of Boston, and to continue the same into and through the city of Boston, in the manner provided in the one hundred and sixty-seventh chapter of the acts of the year eighteen hundred and forty-six; and for this purpose may take and hold, by purchase or otherwise, any lands or real estate necessary therefor; and may construct said aqueduct, or lay said pipes over or under any water-course, or any streets, turnpike roads, railroads, highways, or other ways, in such manner as not to obstruct or impede the travel thereon; and may enter upon and dig up

Cochituate water board may lay new main pipes from reservoir.

May take lands, &c.

City of Boston to be subject to reasonable regulations prescribed by Brighton and Brookline.

any such roads, streets or ways, for the purpose of constructing said aqueduct, or laying down said pipes beneath the surface thereof, and for maintaining and repairing the same; but always in such manner and with such care as not to render the roads, streets and ways unsafe or unnecessarily inconvenient to the public travel thereon. And said city of Boston, in performing said work shall be subject to such reasonable regulations as to time, place and manner of digging up any streets or ways of public travel for the purpose aforesaid, and the laying of said pipes as shall be made by the selectmen of Brighton and of Brookline, within their respective limits for the protection of their rights of drainage and sewerage therein.

Streets to be restored to good order and condition.

SECTION 2. Whenever the city of Boston shall dig up any street or way, as aforesaid, it shall restore the same to as good order and condition as the same shall be in when such digging commenced; and the city of Boston shall at all times indemnify and save harmless the town of Brighton and the town of Brookline, against all damage which may be recovered against them, respectively, and shall reimburse to them, respectively, all expenses which they shall incur by reason of any defect or want of repair in any street or way, caused by the construction of said aqueduct or the laying of said pipe, or by the maintaining or repairing of the same: *provided*, that said city shall have due and reasonable notice of all claims for such damages or injury, and opportunity to make a legal defence thereto.

Towns to be reimbursed by Boston for damages paid for defects in highways.

Liability of Boston for damages for taking land, &c.

SECTION 3. The city of Boston shall be liable to pay all damages that shall be sustained by any persons in their property by the taking of any land or real estate, or constructing of said aqueduct, or the laying of said pipe as aforesaid; and any person sustaining damage as aforesaid may have the same ascertained, determined, collected and paid in the manner which is provided in the sixth, seventh and eighth sections of the one hundred and sixty-seventh chapter of the acts of the year eighteen hundred and forty-six.

Hydrants to be constructed in Brighton and Brookline upon request of selectmen.

SECTION 4. The selectmen of the town of Brighton and the selectmen of the town of Brookline may require the city of Boston, while constructing said aqueduct, or laying down said pipe, within their respective limits, to insert therein a number of hydrants, at points not less than five hundred feet apart, to be used for the purpose of extinguishing fires, and no other purpose; and the town of Brighton and the town of Brookline shall pay the expenses of keeping in repair all such hydrants as shall be so inserted, upon their respective requisitions, after the same shall have been constructed.

SECTION 5. This act shall not take effect until the same shall have been accepted by the city council of the city of Boston.

Subject to acceptance by city council of Boston.

Approved April 14, 1871.

AN ACT TO AUTHORIZE THE NEW ENGLAND HOSPITAL FOR WOMEN AND CHILDREN TO HOLD ADDITIONAL REAL ESTATE AND PERSONAL PROPERTY.

Chap. 183

Be it enacted, &c., as follows :

SECTION 1. The New England Hospital for Women and Children is hereby authorized and empowered to hold real estate not exceeding in value one hundred and fifty thousand dollars, and personal property not exceeding in value one hundred and fifty thousand dollars, instead of the amounts of real estate and personal property authorized by its act of incorporation.

Real and personal estate.

SECTION 2. This act shall take effect upon its passage.

Approved April 14, 1871.

AN ACT TO INCORPORATE THE PILGRIM CONGREGATIONAL CHURCH IN CAMBRIDGE.

Chap. 187

Be it enacted, &c., as follows :

SECTION 1. Edward Kendall, John N. Merriam, James H. Sparrow, and all other members of the Stearns Chapel Congregational Church in Cambridgeport, so called, in Cambridge, and their successors, as members of said church, are hereby made a corporation, with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force, applicable to religious societies.

Corporators.

Powers and duties.

SECTION 2. Said church shall be called the Pilgrim Congregational Church.

Pilgrim Congregational Church.

SECTION 3. Said corporation may hold real and personal estate to an amount not exceeding one hundred thousand dollars for parochial and religious purposes.

Real and personal estate.

SECTION 4. This act shall take effect upon its passage.

Approved April 14, 1871.

AN ACT TO AUTHORIZE THE WINNISIMMET FERRY COMPANY TO WIDEN THEIR SLIP IN BOSTON AND TO TAKE LAND THEREFOR.

Chap. 188

Be it enacted, &c., as follows :

SECTION 1. The Winnisimmet Ferry Company are hereby authorized to widen their ferry slip, at the foot of Hanover street, in the city of Boston.

May widen ferry slip in Boston.

SECTION 2. Said company may purchase, or otherwise take, for the purpose of such widening, the whole of such portion of the adjoining estate of William H. Grueby, conveyed to him by deed of Helen E. Smith, and of the executors of the will of Samuel Aspinwall, deceased, recorded with

May purchase or take estate of William H. Grueby.

If agreement is not made damages to be estimated by street commissioners of Boston.

Not less than whole parcel of land to be taken.

Suffolk deeds, book eight hundred and eighty-nine, page one hundred and ninety, or however otherwise acquired, as lies north-east of a line parallel with the present north-easterly line of Commercial street and distant therefrom three hundred and fifty feet, with all the rights, privileges, appurtenances and easements to such portion of said estate belonging. And if they shall not be able to obtain such land by an agreement with the owner thereof, they shall pay therefor such damages as shall be estimated and determined by the board of street commissioners of the city of Boston; and either party, if dissatisfied with any estimate made by said board of street commissioners, or if said board of street commissioners shall refuse to make such estimate, may apply for a jury to the superior court, next to be held within the county of Suffolk, after such estimate or refusal is made known to the parties; and thereupon the same proceedings shall be had as in the case of estimating and enforcing payment of damages for laying out highways, in the city of Boston.

SECTION 3. Nothing herein contained shall give said ferry company any right to enter upon, or deal with anything less than the whole of the parcel of land herein described or intended; and this act shall be void unless said land shall be purchased and paid for, or otherwise taken, and notice of such taking given in writing, to said Grueby or his representatives within six months from its passage.

SECTION 4. This act shall take effect upon its passage.

Approved April 14, 1871.

Chap. 189

AN ACT TO PROTECT AN ALEWIFE FISHERY IN SANDWICH.

Be it enacted, &c., as follows:

Barzilla Sears to have exclusive right for twenty years to take alewives in Mill River.

Proviso.

SECTION 1. Barzilla Sears, of the town of Sandwich, his heirs and assigns, shall have for the term of twenty years from the date of the passage of this act, the exclusive right to take and catch alewives in the stream known as Mill river, running over the mill-dam of said Sears and through the marshes in said Sandwich to the waters of Sandwich Harbor, on Monday, Wednesday, Friday and Saturday in each week, and at no other time: *provided*, that said Sears, his heirs and assigns, shall construct and maintain a good and sufficient passage-way over or around the dam or dams which now are, or which may hereafter be erected upon said stream, to enable fish to enter the ponds above such dam or dams, and shall keep such passage-way open and unobstructed from the tenth day of April to the first day of June inclusive, in each year.

SECTION 2. Any person or persons taking alewives in said Mill river or the said ponds, without the written consent of said Barzilla Sears, his heirs or assigns, shall forfeit and pay for every such offence the sum of ten dollars, one-half of the forfeiture to the use of the person making the complaint, and one-half to said Sears, his heirs and assigns, to be recovered in any court of competent jurisdiction.

Penalty for taking alewives without permission.

Approved April 14, 1871.

AN ACT FIXING THE COMPENSATION OF THE MEMBERS OF THE LEGISLATURE.

Chap. 190

Be it enacted, §c., as follows :

SECTION 1. Each member of the senate and house of representatives shall receive seven hundred and fifty dollars for the regular annual session for which he is elected, and one dollar for every five miles travel once in each session from his place of abode to the place of the sitting of the general court. And the president of the senate and speaker of the house of representatives shall receive double the compensation provided for each individual member by this act.

Compensation of members of legislature.

President and speaker.

SECTION 2. This act shall take effect upon its passage.

Approved April 14, 1871.

AN ACT CONCERNING JUVENILE OFFENDERS IN THE CITY OF LYNN.

Chap. 191

Be it enacted, §c., as follows :

SECTION 1. The city council of the city of Lynn is hereby authorized to erect a building in said city for the reception, reformation, instruction and employment of such juvenile offenders as are hereinafter named, or to use for these purposes any house or building belonging to said city, that the city council may appropriate to these uses.

May establish house for reformation of juvenile offenders.

SECTION 2. The government of said house of reception, reformation, instruction and employment, shall be vested in a board of three directors, who shall be chosen annually by the board of mayor and aldermen of said city of Lynn. Said directors shall have power at their discretion, to receive into said house all such children under sixteen years of age resident at or belonging to said city, who shall be convicted of any criminal offence, and who may in the judgment of any justice of the superior court, or judge of the probate court, be proper subjects therefor, and upon such conviction of any child under sixteen years of age, who in the judgment of the court in which the conviction is had is a proper subject for said house of reception, reformation, instruction and employment, the court before declaring the sentence of the law, shall cause notice to be given to said directors, and in case said directors shall assent thereto, the said court

Board of directors to be chosen annually by mayor and aldermen.

May receive children under sixteen years.

may sentence the child convicted as aforesaid, to be committed to said house for and during minority or for any less term.

Children may be committed by police court, &c.

SECTION 3. Any justice of either of said courts, or of the police court of Lynn, respectively, on the application of the mayor or any alderman of the city of Lynn, or of any of said directors, shall have power to sentence and commit to said house all children under sixteen years of age, resident in or belonging to said city, convicted of offences under chapter two hundred and seven of the acts of the year eighteen hundred and sixty-two.

Directors to give employment and instruction.

SECTION 4. Said directors may receive the persons sentenced and committed as aforesaid into said institution, and they shall have power to place the persons so committed at such employments, and cause them to be instructed in such branches of useful knowledge as shall be suited to their age and capacity.

May discharge before expiration of sentence.

SECTION 5. Said directors shall have authority to discharge any such child convicted as aforesaid, before the expiration of his or her sentence, if in their opinion it is for the benefit of said child so to do.

May bind out as apprentices for their term of service.

SECTION 6. Said directors shall have authority to bind out for their term of sentence as apprentices, all persons committed to said house, and the said directors, master and mistress and apprentice shall respectively have the rights and privileges, and be subject to the duties set forth in chapter one hundred and eleven of the General Statutes, in the same manner as if said binding were made by overseers of the poor.

Children committed by probate court subject to 1870, 359.

SECTION 7. All children committed to said house of reception by the probate court, shall be subject to the provisions of chapter three hundred and fifty-nine of the acts of the year eighteen hundred and seventy.

Approved April 14, 1871.

Chap. 192

AN ACT CONCERNING THE PURCHASE OF WATER RIGHTS BY THE CITY OF SALEM.

Be it enacted, &c., as follows :

Provisions of 1871, 93, made applicable to city of Salem.

SECTION 1. The provisions of chapter ninety-three of the acts of the year eighteen hundred and seventy, are hereby made applicable to the city of Salem, anything in chapter two hundred and sixty-eight of the acts of the year eighteen hundred and sixty-four to the contrary notwithstanding, but nothing in this act shall in any way annul or impair the rights and privileges of the owners and occupants of the manufacturing establishments on Goldthwait's Brook in Pea-

body, as provided for in section sixteen of said chapter two hundred and sixty-eight.

SECTION 2. Sections two and eighteen of chapter two hundred and sixty-eight of the acts of the year eighteen hundred and sixty-four are hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved April 14, 1871.

AN ACT TO INCORPORATE THE HOLDEN SAVINGS BANK.

Chap. 193

Be it enacted, &c., as follows :

SECTION 1. M. V. Jefferson, Charles Flagg, Ethan Davis and F. M. Stowell, their associates and successors, are hereby made a corporation by the name of the Holden Savings Bank, to be located in the town of Holden ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force, relating to institutions for savings. Corporators.
Name.
Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved April 14, 1871.

AN ACT TO INCORPORATE THE BRISTOL MASONIC BUILDING ASSOCIATION IN ATTLEBOROUGH.

Chap. 194

Be it enacted, &c., as follows :

SECTION 1. Josiah D. Richards, Felix G. Whitney and Thomas G. Sundland, their associates and successors, are hereby made a corporation by the name of the Bristol Masonic Building Association, for the purpose of erecting a building in the town of Attleborough, and maintaining the same for the purpose of a masonic hall, and any other lawful purpose ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force, so far as applicable to such corporations. Corporators.
Name and purpose.
Powers and duties.

SECTION 2. Said corporation shall have a capital stock not exceeding twenty-five thousand dollars, divided into shares of fifty dollars each, and may hold for the purposes aforesaid real and personal estate not exceeding the amount of its capital stock. Capital stock and shares.

SECTION 3. No liability shall be incurred by said corporation until ten thousand dollars of its capital stock shall be paid in in cash. No liability to be incurred until \$10,000 of capital is paid in.

SECTION 4. This act shall take effect upon its passage.

Approved April 14, 1871.

Chap. 195 AN ACT TO REDUCE THE CAPITAL STOCK OF THE EAST BOSTON DRY DOCK COMPANY.*Be it enacted, &c., as follows:*

May reduce capital stock to \$100,000.

SECTION 1. Authority is hereby given to the East Boston Dry Dock Company to reduce its capital stock to one hundred thousand dollars, and the par value of the shares to twenty dollars each.

SECTION 2. This act shall take effect upon its passage.

*Approved April 14, 1871.***Chap. 196** AN ACT TO CHANGE THE NAME OF THE TOWN OF NORTH BRIDGEWATER.*Be it enacted, &c., as follows:*

Name changed to Standish.

SECTION 1. The town of North Bridgewater shall take the name of Standish.

Subject to acceptance by a majority of legal voters.

SECTION 2. This act shall not take effect unless accepted by a majority of the legal voters of said town, present and voting thereon by ballot, at a special meeting held upon notice given at least seven days before the time of said meeting. And the polls shall be opened at nine o'clock in the forenoon of said day, and shall not be closed before four o'clock in the afternoon of said day, nor remain open longer than till six o'clock in the afternoon of said day.

Selectmen to certify and return number of ballots to secretary of the Commonwealth.

SECTION 3. It shall be the duty of the selectmen of said town to certify and return, as soon as may be, the number of ballots in favor of the acceptance of this act, and the number of ballots against the acceptance of the same, to the secretary of the Commonwealth; and if it shall appear that a majority of such ballots is in favor of the acceptance of this act, the secretary shall immediately issue and publish his certificate declaring this act to have been duly accepted.

Secretary to issue certificate.

Meeting to be held within ninety days.

SECTION 4. Said meeting shall be held within ninety days from the passage of this act.

SECTION 5. This act shall take effect upon its passage.

*Approved April 19, 1871.***Chap. 197** AN ACT TO ANNEX A PORTION OF THE TOWN OF SHEFFIELD TO THE TOWN OF NEW MARLBOROUGH.*Be it enacted, &c., as follows:*

Dividing line between Sheffield and New Marlborough.

SECTION 1. The dividing line between the towns of Sheffield and New Marlborough is established as follows:—Commencing at a stake and stones in the line between the states of Massachusetts and Connecticut four hundred and thirty-eight rods west of the east line of Sheffield; thence north three degrees and thirty minutes east, twelve hundred and eight rods to a pile of stones on land of Amos Brewer, a little west of the highway leading past the dwelling-house

of said Brewer; thence north forty-four degrees east three hundred and sixty-four rods to a pile of stones standing in the angle of the line between said towns of Sheffield and New Marlborough; thence northerly on said town line to the line of Great Barrington; and the said line as above described shall hereafter be the dividing line between said towns.

SECTION 2. All portions of the town of Sheffield lying east of the aforesaid line, are hereby set off from the town of Sheffield and annexed to the town of New Marlborough.

Part of Sheffield annexed to New Marlborough.

SECTION 3. The inhabitants of the territory set off as aforesaid, shall be holden to pay their share of the town debt of the town of Sheffield as it existed on the first day of April, eighteen hundred and seventy-one, and also their share of all county and state taxes that may be assessed upon the town of Sheffield previously to the taking of the next state valuation, and such shares shall be assessed and collected of said inhabitants in the same manner as if this act had not been passed; and said inhabitants shall not be held to pay any part of the present town debt of the town of New Marlborough, and a tax shall be assessed and collected of said territory and the inhabitants thereon by said town of Sheffield at the annual assessment for the year eighteen hundred and seventy-one for the amount of the excess in value of the public school property on said territory over its proportion, according to the valuation of the whole amount of public school property in said town of Sheffield; and the value of such property shall be ascertained by an appraisal thereof to be made by three disinterested persons not residents of either of said towns, to be agreed upon by the selectmen of the towns of Sheffield and New Marlborough, and the amount of such excess shall be certified by said appraisers to the assessors of the town of Sheffield on or before the first day of May next, and the expense of such appraisal shall be paid by the inhabitants of said territory.

Debts and taxes.

Value of school property to be ascertained by appraisal.

SECTION 4. This act shall take effect upon its passage.

Approved April 19, 1871.

AN ACT TO INCORPORATE THE TOWN OF MAYNARD.

Be it enacted, &c, as follows:

SECTION 1. All the territory now within the towns of Stow and Sudbury, comprised within the following limits, that is to say, beginning at the north-westerly corner of said territory, at the north-westerly corner bound of land of the late Daniel Whitney, and in the town line between Acton and Stow; thence southerly in a straight line to a stake and

Chap. 198

Town composed of parts of Stow and Duxbury. Boundaries.

stones at the north-easterly corner of land of William Carr, at land of Benjamin Smith, on the top of Carr's Hill, so called; thence south-easterly in a straight line to a stone monument in the town line between Stow and Sudbury, at land of Winthrop Puffer; thence easterly in a straight line to the guide-post at the Iron Works Causeway, so called; thence northerly to a stone monument at the corner of Acton and Concord town lines in the Sudbury town line; thence north-westerly by the town line of Acton and Sudbury, and Acton and Stow town line to the point of beginning, is hereby incorporated into a town by the name of Maynard; and said town of Maynard is hereby invested with all the powers, privileges, rights and immunities, and subject to all the duties, liabilities and requisitions to which other towns are entitled and subjected by the constitution and laws of this Commonwealth.

Taxes.

SECTION 2. The inhabitants of the town of Maynard shall be held to pay all arrears of taxes which have been legally assessed upon them by the towns of Stow and Sudbury, and all taxes heretofore assessed and not collected shall be collected and paid to the treasurers of the said towns of Stow and Sudbury respectively, in the same manner as if this act had not been passed; and until the next state valuation, the town of Maynard shall annually pay in the month of November, to the town of Stow, one-fourth part, and to the town of Sudbury, thirty-four and one-half per cent. of all state and county taxes which the said towns of Stow and Sudbury respectively may be required to pay.

Support of
paupers.

SECTION 3. The towns of Sudbury and Maynard, shall be respectively liable for the support of all persons who now do or shall hereafter stand in need of relief or support as paupers as said towns would be liable, if the territory of the town of Maynard had been originally incorporated as a separate town.

The towns of Stow and Maynard, shall be respectively liable for the support of all persons who shall hereafter become paupers, whose settlement was gained by or derived from a settlement within the respective limits of the town of Stow, and the territory of Maynard taken from said town of Stow.

The town of Maynard shall pay to the town of Sudbury towards the support of the paupers, the sum of three thousand dollars as follows, viz.: three hundred dollars annually in the month of January, until said sum of three thousand dollars is paid; and the town of Maynard shall also pay annually to the town of Sudbury, one-third part of all costs

of the support or relief of those persons who now do or shall hereafter stand in need of relief or support as paupers, and have gained a settlement in said town of Sudbury, in consequence of the military services of themselves or those through whom they derive their settlement.

SECTION 4. All the corporate property of the town of Stow situate within the limits of the town of Maynard, shall become the absolute property of the town of Maynard, except the town farm and other property of said town of Stow used for the support and maintenance of the poor of said town of Stow. The town of Maynard shall pay to the town of Stow the sum of sixty-five hundred dollars as follows, viz.: one thousand dollars annually for six consecutive years, and the balance of said sum of sixty-five hundred dollars, in the year following said sixth annual payment, with interest payable annually on the sum unpaid; and the first of said payments shall be made within one year of the passage of this act.

Corporate property.

And the town of Maynard shall not be liable for the payment of any debts or liabilities of said town of Stow. All the public property of the town of Sudbury shall remain the property of the town of Sudbury, except the real property of the same situate within the limits of the town of Maynard, which shall become absolutely the property of the town of Maynard, and neither of said towns shall be required to pay anything to the other on account thereof.

Debts or liabilities.

The town of Maynard shall pay to the town of Sudbury, thirty-eight and one-half per cent. of all the debts and liabilities of said town of Sudbury, existing at the date of the passage of this act, except the debt for the subscription of stock by the town of Sudbury in the Framingham and Lowell Railroad, with interest thereon from the date of the passage of this act, said payment to be made within one year from said date. The town of Sudbury shall transfer and assign to the town of Maynard, one hundred and four shares of the stock in said railroad, and the town of Maynard shall pay to the town of Sudbury therefor, the par value of said stock, with interest thereon from the thirteenth day of March, one thousand eight hundred and seventy-one, at the same rate paid by said town of Sudbury. And if the town of Maynard shall refuse or neglect to make to the towns of Stow and Sudbury, or either of them, the aforesaid payments, or any of them, said towns of Stow and Sudbury respectively, may maintain an action therefor.

Sudbury to transfer one hundred and four shares of railroad stock to Maynard.

And said towns of Stow and Maynard, shall equally bear the expense of making the survey and establishing the line

Expense of survey to be divided between

Stow and Maynard.

between the towns of Stow and Maynard. And said towns of Sudbury and Maynard shall equally bear the expenses of making the survey and establishing the line between the towns of Sudbury and Maynard.

Commissioners to determine amount of debt if towns disagree.

SECTION 5. In case said towns of Sudbury and Maynard shall not agree in respect to the amount of the debts and liabilities of said town of Sudbury existing at the date of the passage of this act, and the amount thereof to be paid to the town of Sudbury by the town of Maynard under the provisions of this act, the supreme court in any county may appoint three competent and disinterested persons, upon the petition of either of said towns, to hear the parties and award thereon, and their award, or the award of any two of them, being accepted by said court, shall be final.

Election of representatives to the general court.

SECTION 6. The town of Maynard, for the purpose of electing representatives to the general court, until the next decennial census, or until another apportionment be made, shall remain a part of the said towns of Stow and Sudbury, and vote therefor at such places as said towns of Stow and Sudbury shall vote, and the selectmen of Maynard shall make a true list of all persons within their town qualified to vote at every such election, and shall post up the same in said town of Maynard, and shall correct the same as required by law, and shall deliver a true list of all such voters as are entitled to vote in said towns of Stow and Sudbury, respectively, to the selectmen thereof, seven days at least before said election, to be used thereat.

First meeting for choice of town officers.

SECTION 7. Any justice of the peace within and for the county of Middlesex, may issue his warrant directed to any inhabitant of the town of Maynard, requiring him to notify and warn the inhabitants thereof qualified to vote in town affairs, to meet at the time and place therein appointed, for the purpose of choosing all such town officers as towns are by law authorized and required to choose at their annual meetings, and said warrant shall be served by posting up copies thereof, all attested by the person to whom the same is directed, in five public places in the said town of Maynard, seven days at least before such time of meeting. Such justice, or in his absence, such inhabitant required to notify the meeting, shall preside until the choice of moderator in said meeting. The selectmen of the towns of Stow and Sudbury shall respectively prepare a list of persons qualified to vote at said meeting, and shall deliver the same to the person presiding at such meeting before the choice of moderator thereof.

SECTION 8. This act shall take effect upon its passage.

Approved April 19, 1871.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF MIDDLESEX TO LAY OUT A HIGHWAY AND CONSTRUCT A BRIDGE ACROSS THE MERRIMAC RIVER.

Chap. 199

Be it enacted, §c., as follows :

SECTION 1. The county commissioners of the county of Middlesex are hereby authorized and required, within two years from the passage of this act, to lay out a highway and construct a bridge across Merrimac River in Tyngsborough, near the centre of said town.

Bridge and highway over Merrimack River in Tyngsborough.

SECTION 2. Said commissioners, in laying out and constructing said highway and bridge, shall in all respects proceed as is now provided by law for laying out and constructing highways, and shall, after due public notice and hearing of all parties in interest, proceed to determine and award what cities and towns in said county receive particular and special benefit from the construction and maintenance of said road and bridge, and to apportion and assess upon said county and such cities and towns, and in such manner and amount as they shall deem equitable and just, the cost of construction and maintenance of such road and bridge.

To be constructed, &c., as in case of highways.

SECTION 3. The county commissioners of the said county of Middlesex are hereby authorized to borrow such sums of money as may be necessary to comply with the provisions of this act.

County commissioners may borrow money for this purpose.

SECTION 4. This act shall take effect upon its passage.

Approved April 19, 1871.

AN ACT IN RELATION TO THE RIGHTS OF A WIDOW IN THE ESTATE OF HER DECEASED HUSBAND.

Chap. 200

Be it enacted, §c., as follows :

SECTION 1. Section one of chapter one hundred and sixty-four of the acts of the year eighteen hundred and sixty-one, shall be so construed that a widow for whom no provision is made in the will of her husband, may file her waiver of the provisions of the will in like manner and with the same effect as if provision had been made for her in the will.

Construction of 1861, 164, § 1.

SECTION 2. This act shall take effect upon its passage.

Approved April 19, 1871.

AN ACT TO DEFINE THE BOUNDARY LINE BETWEEN THE TOWNS OF NORFOLK AND WRENTHAM.

Chap. 201

Be it enacted, §c., as follows :

SECTION 1. The boundary line between the town of Norfolk and the town of Wrentham is hereby established, as follows: beginning on Pine street, on the dividing line between the towns of Norfolk, Wrentham and Foxborough, on

Boundary line established between Norfolk and Wrentham.

the southerly side of said street, at the bound now established by a stone monument marked "W. F. and N.," thence north sixty-two degrees and twenty-three minutes ($62^{\circ} 23'$) west, one hundred and sixty-eight and nine-tenths rods ($168\frac{9}{10}$) to a stone monument marked "W. and N.," on the west side of Everett street, near the south corner of the Pondville cemetery, thence north sixty degrees and forty-five minutes ($60^{\circ} 45'$) west, one hundred and fifty-five rods to a stone monument marked "W. and N." on the west side of Dedham street, thence on the same course two hundred and nine and four-tenths rods ($209\frac{4}{10}$) to a stone monument marked "W. and N.," on the westerly side of North street, and five rods southerly of the farm buildings of Samuel J. Benn, thence north eighty-one degrees (81°) west, thirty-one (31) rods to a stone monument marked "W. and N." on the east side of Shears street, thence on the same course four hundred and eighty-three (483) rods through the Stony Brook reservoir and passing over Tails End street where there is a stone monument marked "W. and N." to a stone monument marked "W. and N." on the west side of Park street about forty-five (45) rods north of the residence of E. S. Nash, thence on the same course two hundred and one and two-tenths ($201\frac{2}{10}$) rods to a stone monument marked "W. F. and N." on the dividing line between the towns of Norfolk, Franklin and Wrentham ninety (90) rods southerly of the house of J. E. Pollard.

Repeal.

SECTION 2. So much of chapter thirty-five of the acts of the year eighteen hundred and seventy as is inconsistent herewith, is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved April 19, 1871.

Chap. 202

AN ACT TO AUTHORIZE THE TRUSTEES OF THE STATE LUNATIC HOSPITAL AT WORCESTER TO SELL LAND, AND FOR OTHER PURPOSES.

Be it enacted, §c., as follows :

Trustees may
sell land not
needed for new
hospital.

SECTION 1. The trustees of the state lunatic hospital at Worcester, are hereby authorized, from time to time, to sell and convey, in fee simple, such portions of the lands in Worcester purchased under authority of chapter two hundred and thirty-eight of the acts of eighteen hundred and seventy, as in their judgment may not be needed for the new hospital to be erected under the provisions of said chapter; and all moneys, notes, mortgages and securities received for such sales, shall be paid over and delivered to the treasurer of the Commonwealth, as a part of the fund created by the fourth section of said chapter.

SECTION 2. To complete the payments for lands purchased by said trustees under the said act, and for the improvement of the same, and commencing the erection of the new hospital buildings thereon, a further sum, not exceeding thirty thousand dollars, shall be allowed and paid out of the treasury of the Commonwealth, which sum shall be repaid from the proceeds of the sales of land connected with the present hospital and of the sales hereby authorized.

Allowance of \$30,000 to be repaid from proceeds of sales of land.

Approved April 19, 1871.

AN ACT TO FIX THE SALARIES OF THE ASSISTANT-CLERK OF THE SUPREME JUDICIAL COURT, AND OF THE ASSISTANT-CLERK OF THE CIVIL SESSION OF THE SUPERIOR COURT IN THE COUNTY OF SUFFOLK.

Chap. 203

Be it enacted, &c., as follows :

SECTION 1. The annual salary of the assistant-clerk of the supreme judicial court for the county of Suffolk, and also of the assistant-clerk of the civil session of the superior court for said county, shall hereafter be twenty-five hundred dollars.

Salaries fixed at twenty-five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved April 19, 1871.

AN ACT TO AUTHORIZE THE PUBLIC LIBRARY ASSOCIATION OF EASTHAMPTON TO MAINTAIN A MUSEUM.

Chap. 204

Be it enacted, &c., as follows :

The provisions of section one of chapter one hundred and fifty-seven of the year eighteen hundred and sixty-nine, are hereby so extended as to authorize the Public Library Association of Easthampton to form and maintain a museum in connection with its public library, and for that purpose to hold real and personal estate to the amount of fifty thousand dollars in addition to the amount already authorized.

Public library association of Easthampton may establish a museum.

Approved April 19, 1871.

AN ACT TO SUPPLY THE TOWN OF EVERETT WITH WATER.

Chap. 205

Be it enacted, &c., as follows :

SECTION 1. The town of Everett is hereby authorized to lay, construct and maintain, within the limits of said town, such pipes, aqueducts and structures in connection with the water works or aqueducts of the city of Charlestown, or the towns of Malden, Melrose and Medford, as may be requisite for the purpose of supplying water to the inhabitants of said town of Everett, for the extinguishment of fires and for other purposes.

Everett may construct aqueducts, &c.

And the said town is hereby authorized to raise, by taxation or by borrowing from time to time, an amount not exceeding fifty thousand dollars, for the purposes herein specified.

— may raise money by borrowing, &c.

— may assess and collect taxes for payment of principal and interest of debt.

— may elect committee of five to take charge of works, &c.

SECTION 2. Said town of Everett is hereby authorized to assess and collect upon the polls and estates of the town, real and personal, all taxes necessary for the payment of the principal and interest of such promissory notes as shall be issued under the provisions of the preceding section.

SECTION 3. Said town of Everett may annually elect a committee of five from the inhabitants of the town, who shall superintend, control, direct and make such rules and regulations for the construction and maintenance of such pipes, aqueducts and structures as are authorized under the provisions of section one of this act, and said committee may establish prices or rents to be paid for the use of the water.

SECTION 4. This act shall take effect upon its passage.

Approved April 19, 1871.

Chap. 206

AN ACT TO AUTHORIZE DAVID CROWELL TO EXTEND HIS WHARF IN BEVERLY HARBOR.

Be it enacted, &c., as follows :

May extend wharf in Beverly.

Proviso.

SECTION 1. License is hereby given to David Crowell to extend his wharf, known as Railway Wharf, in Beverly harbor, to such point as the harbor commissioners may determine and direct: *provided*, that all things done under this act shall be subject to the provisions of section four of chapter one hundred and forty nine of the acts of the year eighteen hundred and sixty-six, and to the other acts affecting such licenses.

SECTION 2. This act shall take effect upon its passage.

Approved April 19, 1871.

Chap. 207

AN ACT TO INCORPORATE THE JAMAICA PLAIN LAND IMPROVEMENT COMPANY.

Be it enacted, &c., as follows :

Corporators.

Name and purpose. Powers and duties.

May hold real estate in Jamaica Plain.

Capital stock and shares.

SECTION 1. Patrick Meehan, Allen Burke, Joseph M. Leonard, their associates and successors, are hereby made a corporation by the name of the Jamaica Plain Land Improvement Company; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws applicable to such corporations.

SECTION 2. Said corporation may purchase and hold real estate in that part of West Roxbury called Jamaica Plain, to an amount not exceeding ten acres, and may improve, lease, sell and convey the same, and erect dwelling-houses and other buildings thereon.

SECTION 3. The capital stock of said corporation shall not exceed one hundred thousand dollars, divided into shares of

one hundred dollars each : *provided, however*, that said corporation shall incur no liabilities until twenty thousand dollars of its capital stock shall have been paid in in cash.

SECTION 4. This act shall take effect upon its passage.

Approved April 19, 1871.

AN ACT TO INCORPORATE THE DEERFIELD VALLEY AGRICULTURAL SOCIETY.

Chap. 208

Be it enacted, &c., as follows :

SECTION 1. Ansel L. Tyler, Edward C. Hawks and Samuel P. Everett, their associates and successors, of the towns of Charlemont, Colrain, Heath, Rowe, Monroe, Hawley, Buckland, Ashfield, Shelburne, Florida and Savoy, are hereby made a corporation under the name of the Deerfield Valley Agricultural Society, to be located at Charlemont, for the encouragement of agriculture and the mechanic arts, by premiums and other means ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force, applicable to such corporations. And said corporation may for the purposes of this act, hold real estate not exceeding in value three thousand dollars, and personal estate not exceeding the same sum.

Corporators.

Powers and duties.

\$3,000 in real estate.

SECTION 2. This act shall take effect upon its passage.

Approved April 19, 1871.

AN ACT TO INCORPORATE THE TEMPLETON SAVINGS BANK.

Chap. 209

Be it enacted, &c., as follows :

SECTION 1. Stillman Cady, Roby R. Safford, Charles A. Perley, Edwin Sawyer, Amasa S. Hodge, John W. Work, Francis Leland, their associates and successors, are hereby made a corporation by the name of the Templeton Savings Bank, to be located in the town of Templeton ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force applicable to savings banks and institutions for savings.

Corporators.

Name.

Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved April 19, 1871.

AN ACT TO INCORPORATE THE AMESBURY SAVINGS BANK.

Chap. 210

Be it enacted, &c., as follows :

SECTION 1. William H. Haskell, Joshua Colby, Alfred E. Goodwin, their associates and successors, are hereby made a corporation by the name of the Amesbury Savings Bank, to be established in the town of Amesbury ; with all the powers and privileges, and subject to all the duties, restrictions

Corporators.

Name.

Powers and duties.

and liabilities set forth in all general laws which now are or may hereafter be in force applicable to institutions for savings.

SECTION 2. This act shall take effect upon its passage.

Approved April 19, 1871.

Chap. 211 AN ACT TO AUTHORIZE WILLIAM B. BELCHER TO CONSTRUCT A WHARF IN WINTHROP.

Be it enacted, &c., as follows :

May build
wharf in
Winthrop.

SECTION 1. License is hereby given to William B. Belcher to construct and maintain a wharf from his own land in the town of Winthrop: *provided, however*, that said wharf shall not extend beyond such line as the harbor commissioners may designate; and *provided, also*, that all things done under this act shall be subject to the provisions of section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six, and of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved April 19, 1871.

Chap. 212 AN ACT TO AUTHORIZE THE TOWN OF MARBLEHEAD TO SETTLE WITH THE LEGAL REPRESENTATIVES OF JONATHAN M. CRANE.

Be it enacted, &c., as follows :

Marblehead
may pay repre-
sentatives of
Jonathan M.
Crane \$500.

SECTION 1. The town of Marblehead is hereby authorized to pay to the legal representatives of Jonathan M. Crane, late of said Marblehead, deceased, an equitable compensation for services rendered by said Crane to said town, not exceeding five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved April 19, 1871.

Chap. 213 AN ACT TO AUTHORIZE THE BOSTON, CLINTON AND FITCHBURG RAILROAD COMPANY TO EXTEND ITS TRACKS IN FITCHBURG.

Be it enacted, &c., as follows :

May extend
tracks across
Summer Street
in Fitchburg.

SECTION 1. The Boston, Clinton and Fitchburg Railroad Company is hereby authorized to extend its tracks across Summer street, at a point therein between North and Willow streets, in the town of Fitchburg, in a northerly direction one thousand feet; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the general laws which now are or hereafter may be in force applicable to railroad corporations.

SECTION 2. This act shall take effect upon its passage.

Approved April 19, 1871.

AN ACT TO AUTHORIZE THE BOSTON WATER POWER COMPANY TO HOLD ADDITIONAL REAL ESTATE.

Chap. 214

Be it enacted, &c., as follows :

SECTION 1. In addition to the real estate and water power which the Boston Water Power Company is now authorized to hold, the said company may hold flats and marsh lands in Boston adjoining its present lands, not exceeding the value of eight hundred thousand dollars at the time of the purchase thereof.

Additional real estate and water power.

SECTION 2. This act shall take effect upon its passage.

Approved April 22, 1871.

AN ACT MAKING APPROPRIATIONS FROM THE MOIETY OF THE INCOME OF THE SCHOOL FUND, APPLICABLE TO EDUCATIONAL PURPOSES.

Chap. 215

Be it enacted, &c., as follows :

SECTION 1. The sums hereinafter mentioned in this section are appropriated, and shall be allowed and paid out of the moiety of the income of the school fund applicable to educational purposes, for the year eighteen hundred and seventy-one, to wit :—

Appropriations authorized.

For the support of the state normal schools for the present year, a sum not exceeding forty-five thousand dollars.

State normal schools.
1858, 96, § 6.

For teachers' institutes, a sum not exceeding three thousand dollars, the same to be expended in accordance with the provisions of chapter thirty-five of the General Statutes.

Teachers' institutes.

For aid to pupils in the state normal schools, a sum not exceeding four thousand dollars, payable in semi-annual instalments, to be expended under the direction of the board of education.

Aid to pupils in State normal schools.
Res. 1853, 62.

For postage, printing, advertising, stationery, transportation of documents for the board of education, and for the secretary thereof, and also for any contingent expenses of the normal schools, not otherwise provided for, a sum not exceeding eleven thousand dollars.

Board of education, postage, printing, &c.
G. S. 34.

For expenses of the members of the board of education and the treasurer thereof, a sum not exceeding three hundred dollars.

Expenses of board.
G. S. 34.

For the salary and expenses of such agents as the board of education may employ, a sum not exceeding ten thousand dollars, in addition to the appropriation heretofore made.

Expenses of agents.
G. S. 34.

For the Massachusetts teachers' association, the sum of eight hundred dollars, on condition that said association shall furnish a copy of the "Massachusetts Teacher" to each school committee in the several cities and towns in the Commonwealth, during the year eighteen hundred and seventy-

"Massachusetts Teacher."
1858, 96, § 6.

one, and furnish satisfactory evidence thereof to the auditor of accounts.

Furniture, &c.,
normal school
at Salem.
1858, 96, § 6.

For book-cases, furniture and apparatus for the state normal school at Salem, a sum not exceeding five hundred dollars.

Normal school
boarding-house
at Framing-
ham.
1858, 96, § 6.

For steam-heating and gas apparatus, additional furniture, wells and cisterns, range and fixtures, tinning roof and for carpenter's work and superintendence, for the normal school boarding-house at Framingham, a sum not exceeding five thousand and fifty-six dollars and seventy-one cents.

American insti-
tute of instruc-
tion.
1858, 96, § 6.

For the American institute of instruction, the sum of five hundred dollars, to be paid to the president of said institute in the month of August next.

County teach-
ers' associa-
tions.
1864, 58.

For county teachers' associations, a sum not exceeding three hundred dollars.

For the payment of interest on loan to the board of education, under the provisions of chapters seventeen and seventy-eight of the resolves of the year eighteen hundred and sixty-nine, and chapter one of the resolves of the year eighteen hundred and seventy, and for insurance on the normal school boarding-houses at Framingham and Bridgewater, a sum not exceeding five thousand five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved April 22, 1871.

Chap. 216 AN ACT TO ANNEX A PART OF THE TOWN OF NATICK TO THE TOWN OF FRAMINGHAM.

Be it enacted, &c., as follows :

Part of Natick
annexed to
Framingham.

SECTION 1. So much of the town of Natick as lies west and south-west of the following described line is hereby annexed to the town of Framingham, to wit : beginning at the stone monument which is the bound between the towns of Natick and Sherborn, situate on the north side of the highway known as the central turnpike, and running thence due north two hundred and eighty-seven rods to a point on the line between said towns of Natick and Framingham.

Election of rep-
resentatives to
the general
court.

SECTION 2. The inhabitants upon the territory hereby annexed to the town of Framingham, shall continue to be a part of the town of Natick, for the purpose of electing representatives to the general court, until the next apportionment shall be made ; and it shall be the duty of the selectmen of Framingham to make a true list of the persons residing on the territory hereby annexed, qualified to vote at such elections, as required by law, and deliver the same to the selectmen of Natick seven days at least before any

such election, and the same shall be taken and used by the selectmen of Natick for such elections.

SECTION 3. The town of Framingham shall pay to the town of Natick, within three months from the passage of this act, the sum of two thousand dollars.

SECTION 4. This act shall take effect upon its passage.

Approved April 22, 1871.

AN ACT IN ADDITION TO AN ACT CONCERNING STREETS AND HIGHWAYS.

Chap. 217

Be it enacted, &c., as follows :

SECTION 1. Whenever any real estate shall be liable to assessment on account of the benefit or advantage it has received by the laying out, widening, extending, discontinuing, grading or altering of any street or highway, such assessment shall be made, in the city of Boston, by the board of street commissioners thereof; in every other city, by the mayor and aldermen thereof, and in each town by the selectmen thereof.

Assessment for betterments in Boston, to be made by street commissioners.

SECTION 2. Any party aggrieved by the doings of the board of street commissioners of the city of Boston, the mayor and aldermen of any city, or the selectmen of any town, in the cases mentioned in the preceding section, may apply for a jury by petition to the superior court, at any term thereof, which shall be holden within one year after the passage of the order or proceeding upon which the application is founded; and thereupon said court shall, after due notice to the city or town against which the petition is filed, order a trial to be had at the bar of the court, in the same manner in which other civil causes are there tried, by the jury, and if either party request it, the jury shall view the place in question: *provided*, that trial by jury may be waived and the cause thereupon be heard and determined by the court in the same manner as in the case of other civil actions.

Parties aggrieved may apply for jury.

Proviso.

SECTION 3. In the trial upon any petition as aforesaid, if the jury shall not by their verdict reduce the amount of the assessment complained of, the respondent shall recover costs against the petitioner; if the jury shall reduce the amount of the assessment, the petitioner shall recover costs.

Costs.

SECTION 4. When any assessment shall be reduced in amount by the verdict of the jury as above provided, the collection of the assessment so reduced may be enforced in the same manner as the original assessment might have been, if no objection had been taken thereto; and in all cases in which the validity or the amount of any assessment shall be

If assessment is reduced by jury collection to be made, &c.

Lien upon
estate.

drawn in question in any suit, the lien upon the real estate so assessed, shall be continued one year from the final determination of such suit.

Invalid or irreg-
ular assess-
ments may be
re-made by
commissioners.

SECTION 5. Every assessment upon any real estate for the benefit or advantage it has received by the laying out, widening, extending, discontinuing, grading or altering of any street or highway, which is invalid by reason of any error or irregularity in the making thereof, and which has not been paid, or which has been recovered back, may be re-made by the board of street commissioners of the city of Boston, the mayor and aldermen of other cities, and the selectmen of towns, for the time being, to the amount for which the original assessment ought to have been made.

Repeal.

SECTION 6. All acts and parts of acts which are inconsistent with the provisions of this act, are hereby repealed.

SECTION 7. This act shall take effect upon its passage.

Approved April 22, 1871.

Chap. 218

AN ACT TO SUPPLY THE CITY OF LYNN WITH PURE WATER.

Be it enacted, &c., as follows:

May supply in-
habitants with
pure water.

SECTION 1. The city of Lynn is hereby authorized to supply itself and its inhabitants with pure water for domestic and other purposes; and for this purpose is authorized to take, hold and convey into and through said city the waters of Breed's pond, so called, in said city, and the waters which flow into and from the same, and any water rights connected therewith, and the streams running into Beaver brook, below Breed's pond, and the brook rising in Pine Hill pasture, and running by Holmes' mill; and may take and hold, by purchase or otherwise, such land on and around the margin of said pond, not exceeding five rods in width, as may be necessary for the preservation and purity of said waters; and may also take and hold in like manner such land as may be necessary for erecting and maintaining dams and reservoirs, and for laying and maintaining conduits, pipes, drains and other works for collecting, raising, conducting and distributing said waters through said city. And the action of said city in the purchase of said Breed's pond, and laying pipes therefrom, is hereby ratified.

May take and
hold land.

Purchase of
Breed's Pond
ratified.
Description of
lands taken to
be filed in regis-
try of deeds.

SECTION 2. The mayor of said city of Lynn shall, within sixty days after taking any of the land aforesaid, file in the registry of deeds for the county of Essex, southern district, a description thereof sufficiently accurate for identification.

May build aque-
ducts, &c.

SECTION 3. Said city, for the purposes aforesaid, may build aqueducts from said Breed's pond, and maintain the same by any works suitable therefor; may provide and

maintain suitable machinery for raising the water above the source of supply ; may erect such structures as are necessary for preserving the works ; may make and maintain suitable dams and reservoirs, and establish such public fountains and hydrants as are at any time deemed proper, and may change or discontinue the same ; may distribute the water throughout said city, regulate its use, and establish the rates to be paid therefor. Said city may also, for the purposes aforesaid, carry its pipes and other works over or under any water-course, street, railroad or highway, in such manner as not to obstruct the same ; and may do any other acts and things necessary and proper in executing the purposes of this act.

SECTION 4. Said city shall be liable to pay all damages sustained by any person or corporation by taking any land, water, water rights, or property, or by the constructing of any aqueduct, reservoir, or other works for the purposes aforesaid ; and if any person or corporation, sustaining damages as aforesaid, cannot agree with the city upon the amount of such damages, he or it may have them assessed in the same manner as is provided by law with respect to land taken for highways.

Liability for damages.

SECTION 5. For the purpose of defraying the cost and expenses which may be incurred under the provisions of this act, said city shall have authority to issue bonds to be denominated City of Lynn Water Loan, to an amount not exceeding in the whole three hundred thousand dollars, payable at periods not exceeding twenty years from the date thereof, with interest payable semi-annually, at a rate not exceeding seven per centum per annum. And said city may sell said bonds at public or private sale upon such terms and conditions as it may deem proper. The net surplus income and receipts shall be set apart as a sinking fund and applied solely to the payment of the principal of said loan. The mayor, city treasurer and president of the common council for the time being, shall be trustees of said fund, and shall, whenever required by the city council, render an account of all their doings in relation thereto.

City of Lynn Water Loan.

Sinking fund.

SECTION 6. The rights, powers and privileges hereby granted, may be exercised by such officers, agents and servants as such city may select or employ, who shall be subject to such ordinances, rules and regulations as the city council may establish, and the mayor shall be eligible to such office.

Powers, &c., may be exercised by officers appointed by the city.

SECTION 7. If any person shall use any of the said water without the consent of said city, or shall wantonly or maliciously divert the water, or any part thereof, of any of the

Penalty for diverting water or rendering it impure.

ponds, springs, streams or sources of water taken or held by said city, pursuant to the provisions of this act, or corrupt the same, or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery or other works or property held, owned or used by said city, under the authority and for the purposes of this act, he shall forfeit and pay to said city three times the amount of damages assessed therefor, to be recovered in an action of tort, and on conviction of either of the wanton or malicious acts aforesaid, may also be punished by fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year.

SECTION 8. This act shall take effect upon its passage.

Approved April 22, 1871.

Chap. 219 AN ACT TO EXTEND THE TIME FOR ASSESSING BETTERMENTS ON ESTATES ON FORT HILL IN BOSTON.

Be it enacted, &c., as follows :

Street commissioners may assess betterments upon Fort Hill territory at any time before July 1, 1872.

The board of street commissioners of the city of Boston may at any time before the first day of July, in the year one thousand eight hundred and seventy-two, assess upon the estates on the territory called Fort Hill, lying between Milk, Broad, and Pearl streets, in said city, such proportion of the benefits and advantages accruing to said estates as they are liable to be assessed for, on account of the laying out, widening, grading and improving the streets on said territory, in pursuance of several orders of the city council of said city, approved by the mayor thereof, the twenty-third day of July, in the year one thousand eight hundred and sixty-nine ; and the assessments so made shall have the same validity in all respects as they would have if they were made within two years from the passage of the said orders of the city council : *provided*, that nothing contained in this act shall in any way affect the rights of the owners of lots on said territory, to compensation for delay in making the improvements thereon or loss of income while said lots remain in possession of said city.

Approved April 22, 1871.

Chap. 220 AN ACT TO AUTHORIZE THE WORCESTER MANUFACTURERS' MUTUAL INSURANCE COMPANY TO ISSUE POLICIES UPON PROPERTY OUT OF THE COMMONWEALTH.

Be it enacted, &c., as follows :

May issue policies upon property in New York, &c.

SECTION 1. The Worcester Manufacturers' Mutual Insurance Company is hereby authorized to issue policies upon property situated in the states of New York, New Jersey and Pennsylvania.

SECTION 2. This act shall take effect upon its passage.

Approved April 22, 1871.

AN ACT TO AUTHORIZE TRINITY CHURCH IN BOSTON TO SELL LAND, *Chap. 221*
AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

SECTION 1. Trinity Church in the city of Boston may sell and convey, at private or public sale, the parcel of land on the easterly side of Summer street, in said Boston, upon which its church now stands, together with the buildings thereon standing, and may give to the purchaser or purchasers good title, free of any trusts.

Trinity Church in Boston may sell land.

SECTION 2. Before such sale, the pews in said church and the rights in tombs under the same, shall be appraised by three or more disinterested persons chosen for that purpose by the proprietors of pews, and the money arising from the sale of said land and buildings, shall be applied so far as may be necessary, to paying the debts of said corporation, and the appraised value of said pews and rights in tombs, except as hereinafter provided; or said Trinity Church may make agreement with any owner or owners of rights in tombs for the purchase and extinguishment of said rights.

Rights in tombs under church to be appraised, &c.

SECTION 3. After paying said debts and all sums due under this act to the proprietors of said pews and rights in tombs, the money arising from said sale may be used for the purpose of purchasing land in the city of Boston and building a new church thereon, to be held upon the same trusts, if any, as the estate and church in Summer street are now held, and said corporation may make any contracts with any proprietors of pews in the church in Summer street, by which said proprietors may receive pews in such new church in exchange for their pews in the existing church upon such terms as may be agreed upon, and the pews in such new church not so disposed of, shall be offered for sale at public auction, or may be disposed of as the proprietors of said church shall deem expedient.

Proceeds after payment of debts may be used for purchase of new land for church.

SECTION 4. After the appraisal of said rights in tombs, or in any event if such appraisal of pews and rights in tombs shall not take place within six months from the passage of this act, the wardens and vestry of said church shall give notice to all persons interested in each of said tombs, either by serving such notice upon one owner of each tomb, or by publishing the same for two successive weeks in at least two newspapers printed in the city of Boston, that all bodies and remains interred in tombs under said church, the same having become dangerous to public health, must be removed within three months after the service of said notice or after said first publication, and in case said bodies or remains shall not have been removed within said three months, said war-

Wardens and vestry to notify owners of tombs to remove remains, &c.

dens and vestry may at the expense of said church cause the same to be removed and interred in some suitable place, but in case the said appraisal of said rights in tombs shall have been made, said wardens and vestry may deduct from the appraised value of the tombs from which they shall have removed bodies as aforesaid, so much thereof as shall be necessary to pay the expense of such removal and of the purchase and preparation of suitable places for the interment of said bodies.

Further use of tombs prohibited.

SECTION 5. The further use of the tombs under said Trinity Church for interments is hereby prohibited.

SECTION 6. This act shall take effect upon its passage.

Approved April 25, 1871.

Chap. 222

AN ACT TO AUTHORIZE THE SELECTMEN OF ATTLEBOROUGH TO REMOVE CERTAIN TOMBS AND REMAINS OF THE DEAD.

Be it enacted, §c., as follows :

Selectmen may remove remains of the dead from burial ground in Attleborough.

SECTION 1. The selectmen of the town of Attleborough are hereby authorized to remove the remains of the dead from the tombs and graves in the burial ground situated on the easterly side of Main street, in said town, and adjacent to the land of the Attleborough Branch Railroad Company, to such other suitable burial place as they may select, or the relations and friends of the deceased may at their own expense provide; to remove the tombs now standing on the premises, and to level and grade the surface of said ground, and to forbid future burials therein.

— to remove tombs, and forbid future burials.

Remains to be properly re-interred.

SECTION 2. The removals aforesaid shall be made under the supervision of the selectmen; the remains of the dead shall be re-interred in a proper and suitable manner, due regard being had to the wishes of the relatives and friends of the deceased; and a plan of the ground in the burial place selected by said selectmen, to which such remains shall be removed, showing the position of all the known dead so removed, shall be made and filed in the office of the town clerk of Attleborough for future reference. The remains of all the dead in the said tombs and burial ground shall be removed, together with the headstones and monuments now remaining, which shall be duly replaced to indicate the new graves of the deceased, to whose memory they were erected.

Plan of new ground to be filed in town clerk's office.

Removal of remains may be made by friends under direction of selectmen.

SECTION 3. Removals of remains may be made by friends of the deceased, under the direction of said selectmen, and subject to such reasonable restrictions as they may impose; but no removals, unless at the request of the relatives or friends of the deceased, shall be made until a sum of money sufficient to defray the expense of all such removals and re-

interments and grading, including the cost of the place of burial selected as aforesaid, and the cost of advertising shall have been voluntarily contributed and placed at the disposal of said selectmen for said purposes, and until said selectmen shall first have given notice to all persons interested, by a publication of this act six successive weeks in all the weekly newspapers published in the county of Bristol, and by a notice in writing to all persons known to them as owners of tombs and lots in said burial ground, and residing in this Commonwealth.

Approved April 27, 1871.

AN ACT TO INCORPORATE THE STOCKBRIDGE SAVINGS BANK.

Chap. 223

Be it enacted, &c., as follows :

SECTION 1. Marshall Warner, Henry J. Dunham, and Charles M. Owen, their associates and successors, are hereby made a corporation by the name of the Stockbridge Savings Bank, to be located in the town of Stockbridge; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to institutions for savings.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved April 27, 1871.

AN ACT TO REVIVE THE CHARTER OF THE ROXBURY BRANCH RAILROAD COMPANY.

Chap. 224

Be it enacted, &c., as follows :

Chapter seventy-five of the acts of the year eighteen hundred and sixty-seven, entitled an act to incorporate the Roxbury Branch Railroad Company, is hereby revived and continued in force, and the time for locating said railroad is hereby extended for two years, and for the completion of the same four years, from the passage of this act.

Charter revived and continued.

Approved April 27, 1871.

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO TAKE AND HOLD LAND, AND OTHER PROPERTY FOR A LANDING FOR THE EAST BOSTON FERRY BOATS.

Chap. 225

Be it enacted, &c., as follows :

SECTION 1. The city of Boston is hereby authorized and empowered to take and hold by purchase or otherwise, so much of the land, flats, docks and wharves lying easterly of Atlantic avenue and between Commercial wharf and India wharf, as it may deem necessary for the purposes of a landing for the East Boston ferry boats, for the erection of such buildings and other structures as may be necessary or suitable to such landing and for convenient access thereto: *provided*, that so much of said property as cannot be obtained

Boston may take or purchase land for landing of East Roxbury ferry boats.

by purchase, shall be taken by said city of Boston within two years from the passage of this act.

Description of
land taken to be
filed in office of
register of
deeds.

SECTION 2. The city of Boston shall within sixty days from the time when it shall take any parcel or parcels of land, flats, docks or wharves under this act, file in the office of the register of deeds for the county of Suffolk, and cause to be recorded a description of the property so taken, as certain as is required in a common conveyance of land, with a statement of the purpose for which it is taken, which description and statement shall be signed by the mayor of the city; and the city of Boston shall be liable to pay all damages that shall be sustained by any person or persons by reason of the taking of the property aforesaid; such damages to be ascertained and determined in the manner provided for ascertaining and determining damages in case of laying out, altering or discontinuing ways within the said city of Boston.

Liability for
damages.

SECTION 3. This act shall take effect upon its passage.

Approved April 27, 1871.

Chap. 226

AN ACT TO EXTEND THE TIME FOR LOCATING AND CONSTRUCTING THE SALISBURY RAILROAD.

Be it enacted, &c., as follows:

Time for loca-
tion and con-
struction ex-
tended.

The time within which the road of the Salisbury Railroad Company shall be located and constructed, is hereby extended for two years from the passage of this act.

Approved April 27, 1871.

Chap. 227

AN ACT TO AUTHORIZE THE MUTUAL LIFE INSURANCE COMPANY OF NEW YORK TO HOLD REAL ESTATE IN THIS COMMONWEALTH.

Be it enacted, &c., as follows:

\$500,000 in real
estate.

SECTION 1. The Mutual Life Insurance Company of New York is authorized to purchase and hold real estate within this Commonwealth to an amount not exceeding in cost five hundred thousand dollars, for the transaction of its business.

SECTION 2. This act shall take effect upon its passage.

Approved April 27, 1871.

Chap. 228

AN ACT TO INCORPORATE THE BRIGHTON BRANCH RAILROAD COMPANY.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. George A. Wilson, B. Francis Ricker, William W. Warren, their associates and successors, are hereby made a corporation by the name of the Brighton Branch Railroad Company; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the general laws which now are or hereafter may be in force applicable to railroad corporations.

Powers and
duties.

SECTION 2. Said corporation may locate, construct, maintain and operate a railroad with one or more tracks in the town of Brighton, from some convenient point on the Boston and Albany Railroad at or near the Allston station; thence to a point near the centre of said town, and thence to a convenient point on the Boston and Albany Railroad between the Brighton and Newton stations. Said corporation shall not locate or construct its railroad across a highway or town way at a level therewith.

May construct and operate road in Brighton.

SECTION 3. Said corporation may enter with its railroad upon, unite the same with and use the railroad of the Boston and Albany Railroad Company, and said last named company may enter with its railroad upon, unite the same with and use the railroad of the corporation hereby created, subject to the provisions of the general laws.

May enter upon or unite with Boston and Albany Railroad.

SECTION 4. Said corporation may lease its railroad, franchise and other property to the Boston and Albany Railroad Company, upon such terms as may be agreed by the directors of said corporations respectively.

May lease road.

SECTION 5. The capital stock of said corporation shall not be less than one hundred thousand dollars, nor more than two hundred thousand dollars, divided into shares of one hundred dollars each.

Capital stock and shares.

SECTION 6. This act shall take effect upon its passage, and shall be void unless said railroad is located within one year and constructed within two years after its passage.

To be located within one year and constructed within two years.

Approved April 28, 1871.

AN ACT TO EXTEND THE CHARTER OF THE PEOPLE'S FIRE INSURANCE COMPANY OF WORCESTER.

Chap. 229

Be it enacted, &c., as follows:

SECTION 1. The People's Fire Insurance Company, of Worcester, shall continue to be a corporation after the expiration of its present charter, with the same powers and privileges, and subject to the same duties, restrictions and liabilities, as if the act incorporating said company had contained no limitation of time.

Charter continued without limitation of time.

SECTION 2. Said corporation may hold real estate necessary for the transaction of its business, to an amount not exceeding one hundred thousand dollars in cost, including that now held by the corporation.

\$100,000 in real estate.

Approved April 28, 1871.

AN ACT TO AUTHORIZE THE PIGEON HILL GRANITE COMPANY OF ROCKPORT TO CONSTRUCT A WHARF AND BREAKWATER.

Chap. 230

Be it enacted, &c., as follows:

SECTION 1. The Pigeon Hill Granite Company of Rockport is hereby authorized to construct and maintain a wharf

Pigeon Hill Granite Company may con-

struct wharf in
Rockport.

from the land of said company in Rockport, extending in a north-easterly direction towards, or to Colburn's point, and to construct a breakwater from said Colburn's point, in a south-easterly direction, to Bartlett's, Dodge's or Half tide rock, so called; subject to the provisions of chapter one hundred and forty-nine of the acts of eighteen hundred and sixty-six, and chapter four hundred and thirty-two of the acts of eighteen hundred and sixty-nine, so far as the same are applicable.

SECTION 2. This act shall take effect upon its passage.

Approved April 28, 1871.

Chap. 231

AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF SOUTHBRIDGE AND STURBRIDGE.

Be it enacted, §c., as follows:

Boundary line
established be-
tween South-
bridge and
Sturbridge.

SECTION 1. The boundary line between the towns of Southbridge and Sturbridge and between the points herein named, shall hereafter be established as follows, to wit: commencing at the stone monument standing on the present line north of the residence of Thomas N. Harding and running thence north twenty-four degrees and twenty-five minutes east, five thousand six hundred and eighty feet to a stone monument standing at the north-east corner of the Sargent lot, so called, now owned by Provostus McKinstry; thence east eighty-nine degrees south, seventeen hundred and fifty-five feet to a stone monument standing at a corner in the present line between said towns.

SECTION 2. This act shall take effect upon its passage.

Approved May 4, 1871.

Chap. 232

AN ACT TO AUTHORIZE THE CONSTRUCTION OF RAILROAD TRACKS FOR PRIVATE USE IN THE TRANSPORTATION OF FREIGHT.

Be it enacted, §c., as follows:

Railroads for
private use.

SECTION 1. Any person or corporation may build and maintain a railroad track for private use in the transportation of freight, subject to the provisions of this act.

Not to be con-
nected with in-
corporated rail-
roads without
consent of cor-
poration.

SECTION 2. No such track shall be connected with the tracks of a railroad corporation without the consent of the corporation.

Not to be con-
structed across
highway, &c.,
without consent
of city or town.

SECTION 3. No such track shall be constructed across or upon a highway or town way, except with the consent of the board of mayor and aldermen or selectmen of the city or town in which such way is located, and in a place and manner approved by them. Said board or selectmen may make from time to time such regulations in regard to the motive power to be employed, the rate of speed to be run, and the time and manner of using the track, over and upon such way, as

Regulations
concerning mo-
tive power.

in their judgment the public safety and convenience require, and may order such changes to be made in the track as are rendered necessary by the alteration or repair of such way.

SECTION 4. If steam power is allowed to be used on such track, the provisions of all general laws relating to the crossing of ways by railroad corporations shall apply to such track and the persons or corporations operating the same.

If steam power is used, general laws relating to crossing ways to apply.

SECTION 5. Nothing contained in this act shall be construed to authorize the taking or use of lands or other property without the consent of the owner thereof.

Not authorized to take lands, &c., without consent.

SECTION 6. This act shall take effect upon its passage.

Approved May 4, 1871.

AN ACT TO PROVIDE FOR THE ACQUISITION OF TITLE BY THE UNITED STATES OF LANDS FOR LIGHT-HOUSE PURPOSES, AND TO CEDE JURISDICTION THEREOF.

Chap. 233

Be it enacted, &c., as follows:

SECTION 1. Jurisdiction is hereby ceded to the United States over any tracts of land within this Commonwealth necessary for the purpose of erecting light-houses, beacon-lights, range-lights or light-keepers' dwellings, when the United States shall have acquired title thereto; and if the agent or agents of the United States, and the person or persons owning or interested in any such tract cannot agree upon the purchase or the price to be paid for their interest therein, the said agent or agents may apply by petition to the superior court for the county in which the tract lies, describing said tract, and praying to have a valuation thereof made by a jury, and the court, after due notice to the owner or owners of such tract, and to all parties interested therein, to be given in such manner as the court may order, is hereby empowered and required to hear the parties and finally determine the value of said tract by a jury; and if any person or persons other than the owner or owners of such tract shall appear and claim any interest in said estate, the value thereof to the owner of the fee, and to all persons interested in said estate shall be ascertained and apportioned in the same manner as is provided for the assessment of damages in section fifty-five of chapter forty-three of the General Statutes; and the value aforesaid having been ascertained by the verdict of said jury, and said verdict accepted and recorded by said court, and the amount thereof paid or tendered, within one month after final judgment, to said owner or owners or persons interested, together with their reasonable cost and expenses, to be taxed by said court, or in case of their neglect or refusal to receive the same, the amount of said verdict, costs and expenses having been paid

Jurisdiction ceded over land for light-houses &c., when U. S. has acquired title thereto.

If prices cannot be agreed upon, amount to be fixed by a jury.

Assessment of damages as provided in G. S. 43, § 55.

Proviso. into the treasury of this Commonwealth for their use and subject to their order, the fee of said tract shall be vested in the United States: *provided, always*, that this Commonwealth shall retain concurrent jurisdiction with the United States in and over the premises aforesaid, so far as that all civil and criminal processes issuing under the authority of this Commonwealth may be executed on the premises so purchased, and in any buildings erected or to be erected thereon, in the same way and manner as if this act had not been passed; and exclusive jurisdiction shall revert to and revest in this Commonwealth, whenever the said premises shall cease to be used for the purposes herein before declared; and *provided, also*, that a suitable plan of each tract purchased as aforesaid, shall be filed in the office of the secretary of the Commonwealth within one year after the title shall be acquired.

Trial by jury may be waived, all matters determined by the court.

SECTION 2. The trial by jury provided in the first section of this act may be waived in writing by the parties or their counsel, filed with the clerk at any time before trial, and all matters shall be heard and determined by the court, and judgment entered as in case of a verdict by a jury.

SECTION 3. This act shall take effect upon its passage.

Approved May 4, 1871.

Chap. 234

AN ACT TO INCORPORATE THE MOUNT TOM AND EASTHAMPTON RAILROAD COMPANY.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. E. Thomas Sawyer, Alfred L. Strong, Seth Warner, their associates and successors, are hereby made a corporation by the name of the Mount Tom and Easthampton Railroad Company; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the general laws which now are or hereafter may be in force applicable to railroad corporations.

Powers and duties.

May construct railroad from Mount Tom station to westerly part of Easthampton.

SECTION 2. Said corporation may locate, construct, maintain and operate a railroad, with one or more tracks, commencing at or near Mount Tom station, so called, in the town of Northampton, or Easthampton, and running thence in a south-westerly direction to some convenient point in the westerly part of Easthampton: *provided*, that said railroad shall not cross the track of the New Haven and Northampton Company, except by passing over or under the grade thereof, and if over the grade thereof, so as to leave a clear space of not less than eighteen feet above said track. Said corporation is also empowered to locate, construct, maintain and use one or more branch tracks, commencing at conve-

Proviso.

nient points on the main line and extending to manufacturing and mechanical establishments not more than one mile distant from the main line.

SECTION 3. Said corporation may enter with its railroad upon, unite the same with, and use the railroad of the Connecticut River Railroad Company and the last named company may enter with its railroad upon, unite the same with and use the railroad of the corporation hereby created, subject to the provisions of the general laws. Said corporation may enter with its railroad upon, unite the same with, and use the railroad of the New Haven and Northampton Company, and said last named company may enter with its railroad upon, unite the same with, and use the railroad of the corporation hereby created, with the consent in writing of said corporations respectively obtained.

May unite with Connecticut River Railroad.

— New Haven and Northampton Railroad.

SECTION 4. The capital stock of said corporation shall not exceed one hundred thousand dollars, nor be less than forty thousand dollars, and shall be divided into shares of one hundred dollars each.

Capital stock and shares.

SECTION 5. Said corporation may lease its railroad to any railroad corporation with whose road it may connect, upon such terms as may be agreed upon.

May lease road.

SECTION 6. This act shall take effect upon its passage, and shall be void unless the said railroad is located within two years and constructed within three years after the passage of this act.

To be located in two years and constructed in three years.

Approved May 4, 1871.

AN ACT TO INCORPORATE THE MASSACHUSETTS MEDICAL BENEVOLENT SOCIETY.

Chap. 235

Be it enacted, &c., as follows :

SECTION 1. George C. Shattuck, Henry W. Williams, George H. Lyman, their associates and successors, are hereby made a corporation by the name of the Massachusetts Medical Benevolent Society, to be located in Boston, for the purpose of affording pecuniary assistance to members of the medical profession, their widows and children; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the sixty-eighth chapter of the General Statutes, and all acts in addition thereto.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation may hold real and personal estate not exceeding in value the sum of fifty thousand dollars.

Real and personal estate.

SECTION 3. This act shall take effect upon its passage.

Approved May 4, 1871.

Chap. 236 AN ACT TO FIX THE SALARIES OF THE COMMISSIONERS OF HAMPSHIRE COUNTY.

Be it enacted, §c., as follows :

Salaries of county commissioners of Hampshire county.

SECTION 1. The commissioners and special commissioners of Hampshire county, shall receive, from the treasury of said county, from and after January first, eighteen hundred and seventy-one, in equal semi-annual payments in January and July, in full payment for all their services and travel payable as now provided by law, the sum of sixteen hundred dollars.

Repeal.

SECTION 2. All acts and parts of acts inconsistent herewith are repealed.

SECTION 3. This act shall take effect upon its passage.

Approved May 5, 1871.

Chap. 237 AN ACT CONCERNING THE ASSESSMENT OF LAND DAMAGES IN THE CITY OF WORCESTER.

Be it enacted, §c., as follows :

Application for jury for assessment of damages in laying out, &c., highways in Worcester to be made to superior court within one year, &c.

SECTION 1. Applications for a jury to revise the doings of the county commissioners, or of the mayor and aldermen or city council of the city of Worcester, in the assessment of damages occasioned by the laying out, locating anew, altering or discontinuing of any highway, street or way within said city, or by an order for specific repairs, or in the award of indemnity, shall be made by petition to the superior court at any term thereof which shall be held within the county of Worcester, within one year after the passage of the order or proceeding upon which the application is founded, or within one year after the final determination of any suit wherein the legal effect of the order or proceeding is drawn in question ; and thereupon said court shall, after due notice to the county or city, order a trial by jury, to be had at the bar of the court, in the same manner in which other civil causes are there tried by jury, and if either party request it, the jury shall view the place in question.

Application for jury under G. S. 44, § 20, and G. S. 48, § 6.

SECTION 2. Applications for a jury within said city under the provisions of section twenty of chapter forty-four of the General Statutes, or of section six of chapter forty-eight of the General Statutes, and in all other cases in which parties may apply for a jury to revise the doings of the county commissioners, or of said mayor and aldermen or city council within said city, in the assessment of damages, or in assessing upon real estate any expenditure by said city, for sewers and drains, shall be made to the superior court in the manner provided in the preceding section, and within the time and upon the terms now limited by law.

Applications for sheriffs' juries now pending

SECTION 3. All applications for a sheriff's jury now pending before the county commissioners for the county of Wor-

cester for any cause within said city, shall be transferred, with the papers therein, into the superior court for said county, and the matter of such complaints shall be heard and tried in said court in the manner provided in section one of this act.

SECTION 4. This act shall take effect upon its passage.

Approved May 5, 1871.

AN ACT CONCERNING SUITS AGAINST EXECUTORS AND ADMINISTRATORS.

Chap. 238

Be it enacted, &c., as follows :

SECTION 1. Section nine of chapter ninety-seven of the General Statutes is hereby amended by adding at the end thereof as follows, to wit :—or, if an appeal is taken from the decision of the probate court, in an action commenced within one year after the final determination of the proceedings on the appeal.

Amendment to
G. S. 97, § 9.

SECTION 2. This act shall take effect upon its passage.

Approved May 5, 1871.

AN ACT CONCERNING NOTICES OF NON-ACCEPTANCE OR NON-PAYMENT OF NEGOTIABLE INSTRUMENTS.

Chap. 239

Be it enacted, &c., as follows :

SECTION 1. Whenever a party to any promissory note, bill of exchange or other negotiable instrument, is entitled to notice of non-acceptance or non-payment of the same, and such instrument is payable, or to be accepted, or is legally presented for payment or acceptance in any city or town ; and such party has his residence or place of business in said city or town ; or where, for any other reason, a notice given to such party in said city or town would be sufficient, such notice may be given by depositing the same, with the postage thereon prepaid, in any post-office in said city or town, sufficiently directed to the residence or place of business of the party for the usual course of mails within the limits of said city or town, and for the usual course of delivery by postal carriers.

Notices of non-acceptance or non-payment of negotiable instruments, may be sent by mail.

SECTION 2. This act shall take effect upon its passage.

Approved May 5, 1871.

AN ACT ALLOWING A CHANGE OF VENUE IN CAPITAL CASES.

Chap. 240

Be it enacted, &c., as follows :

SECTION 1. In capital cases, upon the petition of the defendant, the supreme judicial court may order a change of venue to any county adjoining the county in which the indictment was found, whenever in the opinion of the court an impartial trial cannot be had in the county where the cause is pending ; and on such order, the said court shall have full

S. J. C. may order a change in venue in capital cases upon petition of defendant.

jurisdiction in the premises in the county to which such change may be made. All other proceedings in such cause shall be the same, as near as may be, as if the said indictment had been originally entered in such adjoining county according to the provisions of existing law.

Clerk in county where indictment is pending to transmit papers to clerk where venue is changed.

SECTION 2. Upon the entry of such order on the docket, the clerk of the supreme judicial court in the county where the indictment is pending, shall forthwith transmit the original indictment, with the papers in the cause and a duly certified copy of said order, to the clerk of the supreme judicial court for the county to which the venue may be changed; and it shall be the duty of the clerk receiving the indictment so transmitted to make immediate entry of the said cause upon the docket of the supreme judicial court for such county.

District-attorney to prosecute as though venue had not been changed.

SECTION 3. The district-attorney for the county in which the indictment was found, whenever the venue is changed in accordance with the provisions of this act, shall have the same authority in the cause that he would have had if the venue had not been changed.

Custody of person charged to be transferred to sheriff of county to which venue is changed.

SECTION 4. Whenever a change of venue is ordered under the provisions of this act, it shall be the duty of the sheriff having custody of the person charged, to forthwith transfer and deliver such person to the sheriff of the county to which the venue may have been changed, and it shall be the duty of the sheriff of such last mentioned county to receive and safely keep such person, in the same manner and subject to the same provisions of law as if such person were originally indicted within his precinct.

SECTION 5. This act shall take effect upon its passage.

Approved May 5, 1871.

Chap. 241

AN ACT TO ESTABLISH THE FEES OF CORONERS.

Be it enacted, &c., as follows:

Coroners' fees.

SECTION 1. The fees of coroners for the services herein-after mentioned shall be as follows: for granting a warrant and taking an inquisition on a dead body, five dollars; and if attendance is required more than one day, four dollars for each day after the first; if a view only is taken, and no inquest is held, four dollars; which fees shall be paid by the state or county, agreeably to the provisions of section fourteen of chapter one hundred and seventy-five of the General Statutes; but if the inquisition or view is upon more than one body at the same time, no additional fees shall be allowed. For other services, fees allowed to sheriffs for like services.

SECTION 2. For travel for holding an inquisition or view, there shall be allowed five cents per mile each way, and for use of horse and carriage there shall be allowed for necessary travel, fifteen cents per mile one way. Compensation for travel.

SECTION 3. Section fourteen of chapter one hundred and seventy-five of the General Statutes is so far amended that the expenses therein referred to shall be paid from the county treasuries if called for within one year from the time the account is audited and the county treasuries shall be reimbursed from the state treasury for all sums so paid whenever a certificate of the county treasurer stating the amount actually paid out shall be filed with the state treasurer. Expenses to be paid from county treasuries and reimbursed by the state.

SECTION 4. Section six of chapter one hundred and fifty-seven of the General Statutes is hereby repealed. Repeal.

Approved May 5, 1871.

AN ACT TO CHANGE THE NAME OF THE BLACKSTONE ATHENÆUM. Chap. 242
Be it enacted, &c., as follows:

SECTION 1. The Blackstone Athenæum, in the town of Blackstone, shall hereafter be called and known as the Blackstone Athenæum and Library Association. Name changed.

SECTION 2. This act shall take effect upon its passage.

Approved May 5, 1871.

AN ACT TO LEGALIZE THE ACTS AND DOINGS OF THE TOWN MEETING HELD IN MONSON APRIL THIRD, EIGHTEEN HUNDRED AND SEVENTY-ONE. Chap. 243

Be it enacted, &c., as follows:

SECTION 1. The acts and doings of the town meeting held in the town of Monson, on the third day of April, eighteen hundred and seventy-one, are hereby made legal to the same extent that they would have been had the check list been used in the election of moderator of said meeting. Doings of town meeting in Monson, confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved May 5, 1871.

AN ACT TO INCORPORATE THE WORONOCO SAVINGS BANK IN WEST-FIELD. Chap. 244

Be it enacted, &c., as follows:

SECTION 1. Samuel Horton, Lewis R. Norton, James H. Morse, Edward B. Gillett, their associates and successors, are hereby made a corporation by the name of the Woronoco Savings Bank, to be located at Westfield; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all the general laws which now are or may hereafter be in force applicable to institutions for savings. Corporators.
Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved May 5, 1871.

Chap. 245**AN ACT RELATING TO THE ARLINGTON LAKE WATER COMPANY.***Be it enacted, &c, as follows :*

May convey
water from
Sucker Brook
through town
of Arlington.

SECTION 1. The Arlington Lake Water Company may take, hold and convey into and through the town of Arlington, the waters of Sucker Brook and the tributaries thereof, of the springs, brooks and watershed of the meadows lying near said Sucker Brook and its tributaries, of the Great Meadows lying in the easterly part of the town of Lexington, from Lewis' Mills or any point westerly of said mills, for the purpose of collecting and securing a supply of pure water for the inhabitants of the town of Arlington.

May take real
estate, &c.

SECTION 2. Said corporation may take and hold, by purchase or otherwise, such real estate as may be necessary for collecting and securing such supply of water and preserving the purity thereof; and may also take and hold in like manner such lands as may be necessary for erecting and maintaining dams and reservoirs, and for laying and maintaining conduits, pipes, drains and other works, for collecting, conducting and distributing such waters through said town of Arlington. The said corporation shall, within sixty days from the time of taking any land as aforesaid, file in the registry of deeds for the southern district of the county of Middlesex, a description of land so taken, sufficiently accurate for identification, and state the purpose for which it is taken.

To file in regis-
try of deeds,
description of
land taken.

May build aque-
ducts, dams,
hydrants, &c.

SECTION 3. The said corporation may build aqueducts and maintain the same by any works suitable therefor; may erect and maintain dams; may make reservoirs and hydrants, and may distribute water through the town of Arlington by laying down pipes, and may establish the rent therefor. Said corporation may also, for the purposes aforesaid, carry its pipes and drains over or under any water-course, street, railroad, highway or other way, in such manner as not to obstruct the same; and may enter upon and dig up any road under the direction of the town of Arlington, in such manner as to cause the least hindrance to the travel thereon.

Liability for
damages.

SECTION 4. The said corporation shall be liable to pay all damages that shall be sustained by any persons in their property by the taking of any land, water, or water rights, or by the constructing of any aqueducts, reservoirs or other works for the purposes aforesaid. If any person who shall suffer damage as aforesaid, cannot agree with said corporation upon the amount of said damages, he may have them assessed in the same manner as is provided by law with respect to land taken for highways. And all damages for

the taking of land, water, or water rights, for the purposes aforesaid, shall be paid for, or such payment be secured by a sufficient guaranty before entering upon such land, water, or water rights; said guaranty to be such as shall be directed by the supreme judicial court, or any one of the justices thereof either in term time or vacation: *provided, however,* Proviso. that if the franchise and property of said corporation shall be purchased by the town of Arlington as herein is provided, such previous payment or guaranty shall not be required to be made or given.

SECTION 5. The provisions of this act are in addition to the powers now held by said corporation. The said corporation may hold, for the purposes aforesaid, real and personal estate to an amount not exceeding one hundred and fifty thousand dollars. Real and personal estate.

SECTION 6. The town of Arlington may at any time after the passage of this act, purchase of said corporation its franchise and property, in the manner provided in chapter ninety-three of the acts of the year one thousand eight hundred and seventy. Arlington may purchase franchise and property.

SECTION 7. This act shall take effect upon its passage.
Approved May 5, 1871.

AN ACT TO INCORPORATE THE ASHBURNHAM SAVINGS BANK.

Be it enacted, &c., as follows:

Chap. 246

SECTION 1. George C. Winchester, Ohio Whitney and G. H. Barrett, their associates and successors, are hereby made a corporation by the name of the Ashburnham Savings Bank, to be located in the town of Ashburnham; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force, applicable to institutions for savings. Corporators.
Powers and duties.

SECTION 2. This act shall take effect upon its passage.
Approved May 5, 1871.

AN ACT TO AUTHORIZE AMOS W. MOONEY TO EXTEND HIS WHARF IN NEWBURYPORT.

Be it enacted, &c., as follows:

Chap. 247

SECTION 1. License is hereby given to Amos W. Mooney to extend his wharf on the Merrimack River, in Newburyport, known as the Gunnison wharf; the extent, width and materials of such extension to be determined by the harbor commissioners, subject to the provisions of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six, and chapter four hundred and thirty-two of May extend wharf in Newburyport.

the acts of the year eighteen hundred and sixty-nine, so far as the same are applicable.

SECTION 2. This act shall take effect upon its passage.

Approved May 5, 1871.

Chap. 248

AN ACT TO INCORPORATE THE FOREST RIVER RAILROAD COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Henry F. Pitman, John F. Harris, Samuel Sparhawk, their associates and successors, are hereby made a corporation under the name of the Forest River Railroad Company ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the general laws which now are or hereafter may be in force relating to railroad corporations.

May construct railroad from Eastern Railroad to the Marblehead branch.

SECTION 2. Said corporation may locate, construct, maintain and operate a railroad with one or more tracks, in the city of Salem, from some convenient point on the main line of the Eastern Railroad, about three-fifths of a mile south-westerly from the bridge over the same at Castle Hill, to some convenient point on the Marblehead branch of the said Eastern Railroad northerly from its intersection with the Forest River road.

May unite with Eastern Railroad.

SECTION 3. Said corporation may enter with its railroad upon, unite the same with and use the railroad and branch of the Eastern Railroad Company, and said last named company may enter with its railroad and branch upon, unite the same with and use the railroad of the corporation hereby created, subject to the provisions of the general laws.

May lease to Eastern Railroad.

SECTION 4. Said corporation may lease its railroad, franchise and other property to the Eastern Railroad Company, upon such terms as may be agreed by the directors of said corporations respectively.

Capital stock and shares.

SECTION 5. The capital stock of said corporation shall not be less than ten thousand dollars nor more than twenty-five thousand dollars, divided into shares of one hundred dollars each.

To be located within one year and constructed within two years.

SECTION 6. This act shall take effect upon its passage ; and shall be void unless said railroad is located within one year, and constructed within two years after its passage.

Approved May 5, 1871.

Chap. 249

AN ACT FOR SUPPLYING THE TOWN OF LEOMINSTER WITH PURE WATER.

Be it enacted, &c., as follows :

Leominster may supply inhabitants with pure water.

SECTION 1. The town of Leominster is hereby authorized to supply itself and its inhabitants with pure water to extinguish fires, generate steam, and for domestic and other

uses ; and may establish public fountains and hydrants, and regulate their use, and may discontinue the same, and may fix and collect rents for the use of such water.

SECTION 2. Said town, for the purposes aforesaid, may take and hold the waters of Chualoom pond, situated in Lunenburg and Leominster, or such natural water sources within its own limits as will give a sufficient supply of water ; and may also take and hold all necessary land for raising, holding and preserving such water, and conveying the same to any and all parts of said town ; and may erect thereon proper dams, buildings, fixtures and other structures, and make excavations and procure and run machinery therefor ; and for that purpose may construct and lay down conduits, pipes and drains under or over any water-course or railroad, and along any street, highway, or other way, in such manner as not to obstruct the same ; and for the purpose of constructing, laying down, maintaining and repairing such conduits, pipes and drains, and for all other proper purposes of this act, may dig up any such street, highway or other way ; but all things done upon or under any street, highway or other way, shall be subject to the direction of the selectmen of the town where situated : *provided*, that within sixty days after the time of taking any land or water sources, as aforesaid, said town shall file in the registry of deeds for the county of Worcester, a description thereof, sufficiently accurate for identification, with a statement of the purpose for which the same is taken.

May take water from Chualoom pond.

May lay down conduits, drains, &c.

Proviso.

SECTION 3. Said town shall be liable to pay all damages sustained by any persons in their property by the taking of any land, water, water sources, or water rights, or by the construction of any aqueducts, reservoirs or other works for the purposes aforesaid. If any person sustaining damages as aforesaid, cannot agree with the town upon the amount of such damages, he may have them assessed by the county commissioners for the county of Worcester, by making a written application therefor within two years after the taking of such land or water sources, or other injury done as aforesaid, under this act ; and if either party be aggrieved by the doings of said commissioners in the estimation of said damages, he or they may have said damages settled by a jury, and said commissioners and jury shall have the same powers, and the proceedings in all respects shall be conducted in the same manner as is provided by law with respect to damages for land taken for highways.

Liability for damages.

SECTION 4. For the purpose of paying all necessary expenses and liabilities incurred under the provisions of the

Leominster water bonds.

act, said town may issue bonds, signed by its treasurer, and denominated "Leominster Water Bonds," to an amount not exceeding five per centum of its valuation, payable at periods not exceeding thirty years from the date thereof, with interest payable semi-annually at a rate not exceeding seven per centum per annum; and said town may sell said bonds at public or private sale, upon such terms and conditions as it may deem proper; and may raise money by taxation to pay said bonds and interest when due; but said town shall not raise more than five thousand dollars in any one year to pay the principal of said bonds, except the year on which the same may become due, and all money raised for the purpose of paying said principal before the same is due, shall be held and invested by said town as a sinking fund for the payment of such principal.

Powers may be exercised by town agents.

SECTION 5. The rights, powers and privileges hereby granted, may be exercised by such officers, agents and servants as said town shall elect or employ, who shall act in accordance with the votes of said town.

Penalty for diverting water or corrupting the same.

SECTION 6. Any person who shall maliciously divert the water, or any part thereof, taken and used under the provisions of this act, or who shall maliciously corrupt the same, or render it impure, or who shall maliciously destroy or injure any dam, aqueduct, pipe or hydrant, or other property, real or personal, held, owned or used by said town for the purposes of this act, shall pay three times the actual damages to said town, to be recovered by an action of tort; and every such person, on conviction of either of the malicious acts aforesaid, shall be punished by fine not exceeding one hundred dollars, and imprisonment not exceeding six months.

When to take effect.

SECTION 7. This act shall take effect upon its passage, but nothing shall be done, nor any expenditure made or liability incurred under the same, except for preliminary surveys and estimates, unless the town within two years, at an annual meeting, by a vote of two-thirds of the legal voters present, using the check-list, and voting thereon, shall have determined to avail itself of the provisions thereof.

Approved May 5, 1871.

Chap. 250 AN ACT IN ADDITION TO AN ACT RELATING TO WEST BOSTON AND CRAGIE BRIDGES.

Be it enacted, &c., as follows:

Shoal to be dredged opposite draw-way of West Boston bridge.

SECTION 1. The commissioners designated in the sixth section of chapter three hundred and two of the acts of the year eighteen hundred and seventy, are hereby authorized, for the purpose of preparing the location of a new draw in

the West Boston Bridge, to cause to be dredged away a shoal opposite the south-westerly opening of the present draw-way in said bridge, to such an extent as the harbor commissioners shall prescribe, the expense of which dredging shall be borne in the same manner as the expense of constructing said new draw; and the cities of Boston and Cambridge shall maintain the depth of water secured by such dredging, in the same manner and according to the same terms and proportions as they are required by said act to maintain, support, manage and keep in repair the bridges and draws therein mentioned.

SECTION 2. This act shall take effect upon its passage.

Approved May 5, 1871.

AN ACT TO INCORPORATE THE ASHBURNHAM RAILROAD COMPANY. *Chap. 251*
Be it enacted, &c., as follows :

SECTION 1. George C. Winchester, Ohio Whitney, George H. Barrett, their associates and successors, are hereby made a corporation by the name of the Ashburnham Railroad Company; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the general laws which now are or hereafter may be in force applicable to railroad corporations.

SECTION 2. Said corporation may locate, construct, maintain and operate a railroad, with one or more tracks, from a convenient point at or near Ashburnham Centre, thence within said town of Ashburnham to a convenient point at or near the junction of the Cheshire and the Vermont and Massachusetts Railroads.

SECTION 3. Said corporation may enter with its railroad upon, unite the same with and use the railroads of the Cheshire Railroad Company and the Vermont and Massachusetts Railroad Company, or either of them; and said last named corporations, respectively, may enter with their railroads upon, unite the same with and use the railroad of the corporation hereby created, subject to the provisions of the general laws.

SECTION 4. Said corporation may lease its railroad, franchise and other property to either of the corporations named in the preceding section, upon terms agreed by the directors of the contracting corporations, and approved by a majority of the votes at meetings of their stockholders called for that purpose.

SECTION 5. The capital stock of the corporation shall not be less than one hundred thousand dollars nor more than three hundred thousand dollars, divided into shares of one hundred dollars each.

Boston and Cambridge to maintain depth of water obtained by such dredging.

Corporators.

Powers and duties.

Railroad from Ashburnham Centre to junction of Cheshire and Ver. and Mass. Railroads.

May unite with Cheshire and V. and Mass. Railroads.

May lease road.

Capital stock and shares.

Location and
construction.

SECTION 6. Said railroad shall be located within two years and constructed within three years after the passage of this act.

SECTION 7. This act shall take effect upon its passage.

Approved May 5, 1871.

Chap. 252 AN ACT TO RATIFY CERTAIN PROCEEDINGS OF THE CHEMICAL FIRE EXTINGUISHER COMPANY.

Be it enacted, §c., as follows :

Proceedings
ratified and con-
firmed.

SECTION 1. The acts and proceedings of the stockholders of the Chemical Fire Extinguisher Company, a corporation established in Northampton, in changing the name of the corporation to New England Fire Extinguisher Company, and all other acts and proceedings of said corporation, so far as the same may have been made invalid by acting under said new name, are hereby ratified and confirmed, and said corporation shall hereafter be known by the name of New England Fire Extinguisher Company, and all conveyances made to said corporation by the name of New England Fire Extinguisher Company shall have the same force and effect as if made to it by the name of Chemical Fire Extinguisher Company.

SECTION 2. This act shall take effect upon its passage.

Approved May 5, 1871.

Chap. 253 AN ACT TO AUTHORIZE THE WORCESTER AND NASHUA RAILROAD COMPANY TO HIRE THE ROAD OF THE NASHUA AND ROCHESTER RAILROAD COMPANY.

Be it enacted, §c., as follows :

Worcester and
Nashua Rail-
road may hire
the Nashua and
Rochester Rail-
road of New
Hampshire.

SECTION 1. The Worcester and Nashua Railroad Company is hereby authorized to hire the road, franchise and other property of the Nashua and Rochester Railroad Company, of New Hampshire, for a term of years, on such terms and conditions as may be agreed upon by the directors of said corporations, and after the same shall have been approved and accepted by a majority of the votes at meetings of the stockholders of said corporations, respectively, called for that purpose.

SECTION 2. This act shall take effect upon its passage.

Approved May 5, 1871.

Chap. 254 AN ACT TO EXTEND THE TIME FOR ORGANIZING THE MARBLEHEAD AND LYNN RAILROAD COMPANY AND FOR LOCATING ITS ROAD.

Be it enacted, §c., as follows :

Time for organ-
izing and locat-
ing extended.

The time for organizing the Marblehead and Lynn Railroad Company and filing the location of its road, is hereby extended two years from the passage of this act.

Approved May 5, 1871.

AN ACT TO AUTHORIZE THE WILLIAMSBURG RESERVOIR COMPANY TO
CONSTRUCT ADDITIONAL RESERVOIRS AND FOR OTHER PURPOSES. *Chap. 255*

Be it enacted, &c., as follows :

SECTION 1. The Williamsburg Reservoir Company is hereby authorized and empowered to construct and maintain an additional reservoir or reservoirs on Mill River, or any branch or stream tributary thereto, in the town of Williamsburg, for the supply of mills situated on said river, subject to the provisions of chapter one hundred and fifty of the acts of the year eighteen hundred and sixty-five. May construct additional reservoirs.

SECTION 2. Said corporation may hold real and personal estate necessary and convenient for the purposes aforesaid, and the capital stock thereof may be increased to an amount not exceeding fifty thousand dollars in addition to the amount now authorized by law. Real and personal estate.

SECTION 3. This act shall take effect upon its passage.

Approved May 5, 1871.

AN ACT TO AUTHORIZE THE TREMONT AND SUFFOLK MILLS TO ENTER
INTO CONTRACT FOR MUTUAL INSURANCE, WITH OTHER CORPORATIONS. *Chap. 256*

Be it enacted, &c., as follows :

SECTION 1. The corporation known as the Tremont and Suffolk Mills, in the city of Lowell, is hereby authorized and empowered to enter into contract for mutual insurance with the other associated corporations, as provided in chapter sixty-five of the acts of the year one thousand eight hundred and fifty. May enter into contract for mutual insurance with other corporations.

SECTION 2. This act shall take effect upon its passage.

Approved May 6, 1871.

AN ACT TO INCORPORATE THE PLYMOUTH COUNTY RAILROAD COMPANY. *Chap. 257*

Be it enacted, &c., as follows :

SECTION 1. David Whiton, Andrew C. Cushing, Amasa Whiting, James M. Jacobs, Samuel Downer, E. T. Fogg, Henry Newlin, Alexis Torrey, H. Farnham Smith, John Federhen, George F. Pinkham, Everett Torrey, their associates and successors, are hereby made a corporation by the name of the Plymouth County Railroad Company ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the general laws which now are or hereafter may be in force applicable to railroad corporations. Corporators. Powers and duties.

SECTION 2. Said corporation may locate, construct, maintain and operate a railroad with one or more tracks, from a point near the town house in the town of South Scituate, Railroad from South Scituate to Old Colony and Newport

Railroad in Quincy.

through the towns of South Scituate, Hanover, Hingham, Weymouth and Quincy, to a point on the Old Colony and Newport Railway between the Quincy and Wollaston stations in Quincy, crossing the South Shore Railroad at grade and Weymouth Back River and Weymouth Fore River or either of said rivers.

May be constructed in two sections.

SECTION 3. The said corporation may locate and construct its railroad in two sections; one from South Scituate to a point of connection with the South Shore Railroad in Hingham or Weymouth, the other from some point on said South Shore Railroad, to a point of connection with the Old Colony and Newport Railway in Quincy as aforesaid. And said corporation may, with the assent of the South Shore Railroad Company, use any portion of said South Shore Railroad

May unite first section with South Shore Railroad.

to connect its two sections. Said corporation, upon the completion of said first named section, may enter with its road upon, unite the same with, and use the railroad of the South Shore Railroad Company, and said last named company may enter with its railroad upon, unite the same with, and use the railroad of the corporation hereby created; and upon the completion of said second named section, said corporation may enter with its road upon, unite the same with, and use the railroad of the Old Colony and Newport Railway Company, and said last named company may enter with its road upon, unite the same with, and use the railroad of the corporation hereby created, subject to the provisions of the general laws. But if the latter connection is made, then the right to enter upon, unite with and use the railroad of the South Shore Railroad Company shall cease; but the right of the South Shore Railroad Company to enter upon, unite with and use the road of said corporation shall remain.

May unite second section with O. C. and Newport Railway.

Proviso.

May lease road.

SECTION 4. Said corporation may lease its railroad, or either section of the same, to the South Shore Railroad Company, or to the Old Colony and Newport Railway Company.

Capital stock and shares.

SECTION 5. The capital stock of said corporation shall be four hundred thousand dollars, divided into shares of one hundred dollars each, and said corporation may receive subscriptions for the construction of each of the above-named sections of its road separately, and when the sum of two hundred thousand dollars shall have been subscribed for said first section, said corporation may proceed to build the same; and when the like sum of two hundred thousand dollars shall have been subscribed for said second section, said corporation may proceed to build the same: *provided*, that before either of said sections shall be commenced, a certificate shall be filed in the office of the secretary of the Common-

Proviso.

wealth, subscribed and sworn to by the president and a majority of the directors of said company, stating that all the stock named above for the section they purpose to build, has been subscribed by responsible persons, and that twenty per centum of the par value of each and every share thereof has been actually paid into the treasury of said company; and *provided, further*, that the said second section shall not be commenced until said corporation has actually expended at least twenty thousand dollars upon the construction of said first section of its railroad.

Proviso.

SECTION 6. This act shall take effect on its passage; and shall be void unless the first section of said railroad is located within two years and constructed within four years after its passage.

Location and construction.

Approved May 6, 1871.

AN ACT TO AMEND AN ACT TO REGULATE THE FISHERIES IN TAUNTON GREAT RIVER AND NEWMASKET RIVER.

Chap. 258

Be it enacted, &c., as follows :

SECTION 1. So much of the fifth section of chapter four hundred and one of the acts of the year eighteen hundred and fifty-five as provides that no shad or alewives shall be taken in Taunton Great River above Berkley and Dighton bridge, between the hours of twelve o'clock in the night following Thursday of each week and four o'clock on Monday morning succeeding, from the first day of March to the tenth day of June in each year, including both of said days, is hereby repealed.

Repeal of portion of 1855, 401, § 5.

SECTION 2. Whoever catches any shad or alewives either in the Newmasket or Taunton Great River at any other season of the year than between the first day of March and the fifteenth day of June, shall forfeit for each shad five dollars, and for each alewife twenty-five cents.

Penalty for taking shad and alewives, except between March 1 and June 15.

SECTION 3. This act shall take effect from and after the first day of July next.

Approved May 9, 1871.

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO EXTEND ATLANTIC AVENUE.

Chap. 259

Be it enacted, &c., as follows :

SECTION 1. The city of Boston, through its proper authorities for laying out and altering streets, is hereby authorized to lay out and build a street or streets over tide-waters between the southerly end of Atlantic Avenue at Rowe's wharf, as now laid out, following the curve in Broad street from said Rowe's wharf to Packard's or Fort hill wharf, and from thence across the wharves and docks to Federal street bridge on the easterly side thereof, or to such other points north of

Boston may extend Atlantic Avenue over tide-waters.

Proviso.

the aforesaid bridge as said authorities may determine; with liberty to widen said Federal street bridge to a sufficient width for the additional travel over the same: *provided*, that said avenue shall be so constructed that the outer line thereof shall be at least three hundred feet distant from the commissioners' line on the northerly side of Fort Point channel.

Owners may extend wharves to commissioners' line.

SECTION 2. The owners of wharves crossed by the said extension of Atlantic avenue may extend their said wharves to the commissioners' line: *provided*, they so build out within two years from the laying out of said addition to Atlantic avenue.

SECTION 3. This act shall take effect upon its passage.

Approved May 9, 1871.

Chap. 260 AN ACT FOR THE PROTECTION OF QUAIL ON THE ISLAND OF NANTUCKET.

Be it enacted, &c., as follows:

Quail not to be killed on Nantucket before Oct. 15, 1874.

SECTION 1. Whoever, after the passage of this act, shall, prior to the fifteenth day of October, one thousand eight hundred and seventy-four, take or kill any quail on the island of Nantucket, shall forfeit for every such bird so taken or killed, twenty-five dollars.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1871.

Chap. 261 AN ACT TO AMEND AN ACT FOR THE PROTECTION OF TROUT IN NYE'S POND, IN SANDWICH.

Be it enacted, &c., as follows:

Amendment to 1862, 94.

Chapter ninety-four of the acts of the year one thousand eight hundred and sixty-two, is hereby amended, by inserting in the third line thereof, after the word "called," the words "or in said Jeremy's creek, between the point where said stream enters the said creek and the point where the said creek empties into Scorton harbor, in the town of Sandwich."

Approved May 9, 1871.

Chap. 262 AN ACT IN RELATION TO UNCLAIMED DIVIDENDS AND DEPOSITS NOT BEARING INTEREST IN SAVINGS BANKS

Be it enacted, &c., as follows:

Treasurer to notify depositors who are not entitled to dividends on whole deposit.

SECTION 1. The treasurer of every savings bank and institution for savings, upon making up each semi-annual dividend, shall send written notice by mail to each depositor who for six months then next preceding shall not have been entitled to a dividend on the whole amount standing to his credit, because the same exceeds the amount on which inter-

est is allowed, specifying the amount thereof not entitled to dividends.

SECTION 2. Each savings bank and institution for savings, shall on or before the first day of October of the current year, and once in five years thereafter, publish in some newspaper in the city of Boston, and also in some newspaper, if there is any, in the county where said bank or institution is established, a list of the amounts standing to the credit of depositors which have not been entitled to dividends or interest for two years then next preceding, because the same exceeds the amount on which interest is allowed, with the names and last known residences of the persons to whose credit the amounts stand; which publication shall be continued in three successive papers.

Bank to publish every five years list of amounts not entitled to dividends for two preceding years.

SECTION 3. This act shall take effect upon its passage.

Approved May 9, 1871.

AN ACT TO EXTEND THE JURISDICTION OF THE MUNICIPAL COURT FOR THE SOUTHERN DISTRICT OF THE CITY OF BOSTON.

Chap. 263

Be it enacted, §c., as follows :

SECTION 1. The municipal court for the southern district of the city of Boston, shall have original concurrent jurisdiction in all cases, criminal and civil, with the municipal court of the city of Boston, and the municipal court of the Dorchester district.

Original and concurrent jurisdiction with courts of Boston and Dorchester districts.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1871.

AN ACT TO AMEND THE ACT TO ESTABLISH THE DISTRICT COURT OF NORTHERN BERKSHIRE, AND THE ACT TO ESTABLISH THE DISTRICT COURT OF SOUTHERN BERKSHIRE.

Chap. 264

Be it enacted, §c., as follows :

SECTION 1. Section seven of chapter two hundred and one and section five of chapter two hundred and two of the acts of the year eighteen hundred and seventy, are hereby so amended that in all cases except where a jury trial is had or the value of the property replevied, or the judgment of the court does not exceed the amount of fifty dollars, either party may appeal to the superior court in the manner now provided by law for taking appeals from the judgment of justices of the peace. And in cases where a jury trial is had, exceptions and appeals on matters of law may be had to the supreme judicial court in the manner now provided by law, for taking exceptions and appeals from the superior court to the supreme judicial court.

If value of property or judgment of court exceeds fifty dollars, either party may appeal to superior court.

In jury trials, exceptions and appeals on matters of law may be had to S. J. C.

SECTION 2. Section seven of chapter two hundred and one and section five of chapter two hundred and two of the

Justices and clerks may issue venire for sum-

moning juries
from towns in
the district.

acts aforesaid, are further amended so as to empower and require the justices or clerks of said district courts respectively, to issue writs of *venire facias* directed to the sheriff of the county or either of his deputies, or a constable of any city or town in the district for the summoning of jurors; and the jurors shall be summoned from the towns in the judicial district.

SECTION 3. This act shall take effect upon its passage.

Approved May 9, 1871.

Chap. 265

AN ACT TO INCORPORATE THE BOSTON AND RICHMOND STEAMSHIP COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Nathaniel Thayer, George B. Upton, Elijah Williams, their associates and successors, are hereby made a corporation by the name of the Boston and Richmond Steamship Company, for the purpose of building, purchasing, hiring, holding and employing one or more steamships and other vessels, and therewith navigating any waters between Boston and Richmond, or any other ports or places in the state of Virginia, and of entering into such contracts with other companies or persons as they may deem expedient to run steamships or other vessels between such ports or places; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

Name and purpose.

Powers and duties.

Capital stock and shares.

Proviso.

SECTION 2. Said corporation may have a capital stock not exceeding twelve hundred thousand dollars, divided into shares of one hundred dollars each, and for its purposes may hold real estate to an amount not exceeding two hundred thousand dollars of its capital stock: *provided, however*, that said corporation shall incur no liability until fifty thousand dollars of its capital stock shall have been paid in in cash.

SECTION 3. This act shall take effect upon its passage.

Approved May 9, 1871.

Chap. 266

AN ACT TO PROVIDE FOR THE FURTHER DISTRIBUTION OF THE INCOME OF THE LEXINGTON MINISTERIAL FUND.

Be it enacted, &c., as follows :

Hancock Congregational Society to make annual return to the trustees of Lexington Ministerial Fund.

SECTION 1. The treasurer of the Hancock Congregational Society, a religious society duly organized in the town of Lexington, shall, on or before the first day of June, in the year eighteen hundred and seventy-one, and on or before the tenth day of May in each succeeding tenth year thereafter, make a return to the trustees of the Lexington Ministerial

Fund of the names of those persons who are members of said society on the first day of May preceding such return.

SECTION 2. Whenever this act shall be accepted by the First Congregational Society, the First Baptist Society and the Church of the Redeemer, religious societies in said town, at meetings duly called of said societies respectively, said Hancock Congregational Society shall be admitted to share in the income of said fund in the same manner as said other societies; and thereafter the income of said fund shall be yearly divided between said First Congregational Society, First Baptist Society, the Church of the Redeemer and said Hancock Congregational Society in the proportion in which the aggregate amount of the real and personal estate of the members of each society bears to the aggregate amount of the real and personal estate of the members of said four societies on the first day of May in each preceding decennial year, beginning with the year eighteen hundred and seventy-one, according to the valuation thereof made by the assessors of said town.

Income to be divided between First Congregational, First Baptist, Church of the Redeemer and Hancock Congregational Societies.

SECTION 3. The portions of said income received by the treasurers of said religious societies shall be expended annually for the support of public worship in said societies respectively.

To be expended for the support of public worship.

SECTION 4. After the acceptance of this act by the three societies first named in section two, the Hancock Congregational Society shall be entitled to choose a trustee of said fund in addition to the three trustees now provided for by law; and whenever a vacancy shall occur in the office of trustee of said fund, it shall be filled by an election by ballot, at a meeting of the members.

One trustee to be chosen by Hancock Congregational Society.

SECTION 5. No person shall at any time be a member of more than one of said societies.

SECTION 6. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 7. This act shall take effect upon its passage.

Approved May 9, 1871.

AN ACT TO AUTHORIZE HENRY MAYO AND COMPANY TO EXTEND THEIR WHARF IN EAST BOSTON.

Chap. 267

Be it enacted, &c., as follows:

SECTION 1. License is hereby given to Henry Mayo and Company to extend to the commissioners' line their wharf, known as "Snelling's wharf," in East Boston, in such manner as the board of harbor commissioners shall prescribe, subject to the provisions of section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred

Snelling's wharf may be extended to the commissioners' line.

and sixty-six, and chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine, so far as the same may be applicable.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1871.

Chap. 268 AN ACT TO CONFIRM THE ORGANIZATION OF THE CENTRAL CONGREGATIONAL SOCIETY OF JAMAICA PLAIN IN WEST ROXBURY.

Organization confirmed.

Be it enacted, &c., as follows :

SECTION 1. The organization of the Central Congregational Society of Jamaica Plain in West Roxbury, with all acts done thereunder, which religious societies may lawfully do, are hereby confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1871.

Chap. 269 AN ACT TO CHANGE THE NAME OF THE BOSTON CORN EXCHANGE.

Name changed.

Be it enacted, &c., as follows :

SECTION 1. The Boston Corn Exchange shall hereafter be known as the Boston Commercial Exchange.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1871.

Chap. 270 AN ACT TO AUTHORIZE THE PROPRIETORS OF ROWE'S WHARF IN BOSTON TO EXTEND THE SAME.

Rowe's wharf may be extended to the commissioners' line.

Be it enacted, &c., as follows :

SECTION 1. The proprietors of Rowe's wharf in Boston are hereby authorized to extend the north-easterly corner of their present wharf to the commissioners' line, with pile structure, and to occupy with pile structure and solid filling a space not exceeding one hundred feet in length by fifteen feet in width in their dock on the northerly side of and adjoining their present wharf, and a space not exceeding sixty feet in length by fifteen feet in width in their dock on the southerly side of and adjoining their present wharf; subject to section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six, and chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine, so far as the same may be applicable.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1871.

Chap. 271 AN ACT TO AUTHORIZE THE CENTRAL MUTUAL FIRE INSURANCE COMPANY TO ISSUE POLICIES UPON PROPERTY OUT OF THE COMMONWEALTH.

May issue policies on property in any New England state.

Be it enacted, &c., as follows :

SECTION 1. The Central Mutual Fire Insurance Company is hereby authorized to issue policies on property situated in the New England states.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1871.

AN ACT TO AUTHORIZE THE DEAN LIBRARY ASSOCIATION IN MEDWAY TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Chap. 272

Be it enacted, &c., as follows :

SECTION 1. The Dean Library Association in the town of Medway, is hereby authorized to hold real and personal estate to the amount of twenty thousand dollars in addition to the amount authorized in its act of incorporation.

Real and personal estate.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1871.

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO CONSTRUCT A WHARF IN SOUTH BOSTON.

Chap. 273

Be it enacted, &c., as follows :

SECTION 1. The city of Boston is hereby authorized to construct a solid wharf on its flats between M and O streets extended, on the northerly shore of South Boston, within such limits and in such manner as the board of harbor commissioners shall prescribe ; subject to section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six, and chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine, so far as the same may be applicable.

City of Boston may construct a wharf.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1871.

AN ACT TO CONFIRM CERTAIN ACTS OF THE BOSTON SUNDAY SCHOOL AND MISSIONARY SOCIETY OF THE METHODIST EPISCOPAL CHURCH.

Chap. 274

Be it enacted, &c., as follows :

SECTION 1. The meeting of the Boston Sunday School and Missionary Society of the Methodist Episcopal Church, held on the fourth day of April, in the year eighteen hundred and seventy, and the election of officers at said meeting, and the acts of said officers as appears by the records of said society ; and the meeting of said society, held on the sixth day of March, in the year eighteen hundred and seventy-one, and the election of officers at said meeting, as appears by the records of said society, are hereby ratified, confirmed and made valid in law to all intents and purposes whatsoever.

Election of officers, &c., confirmed and ratified.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1871.

AN ACT CONCERNING THE BUILDING AND MAINTAINING OF FLORIDA BRIDGE ACROSS DEERFIELD RIVER.

Chap. 275

Be it enacted, &c., as follows :

SECTION 1. The county commissioners of the county of Berkshire are hereby authorized and required, within one

County commissioners of Berkshire to con-

struct portion
of bridge and
assess expenses
upon town of
Florida.

year from the passage of this act, to construct that portion of the bridge, with suitable approaches, located or to be located under chapter two hundred and thirty-one of the acts of the year eighteen hundred and seventy, within the county of Berkshire, and shall in all respects, except as herein otherwise provided, proceed as is now provided by law for laying out and constructing highways, and shall assess the expenses and charges of constructing and completing the same upon the town of Florida, and collect the amount thereof in the manner prescribed in section sixty-nine of chapter forty-three of the General Statutes.

County commis-
sioners of
Franklin to
construct por-
tion of bridge
and assess ex-
penses upon
towns of Char-
lemont and
Rowe.

SECTION 2. The county commissioners of the county of Franklin are hereby authorized and required, within one year from the passage of this act, to construct that portion of the bridge, with suitable approaches, located or to be located under chapter two hundred and thirty-one of the acts of the year eighteen hundred and seventy, within the county of Franklin, and shall in all respects, except as herein otherwise provided, proceed as is now provided by law for laying out and constructing highways, and shall assess one-half the expenses and charges of constructing and completing the same upon the town of Charlemont, and one-half upon the town of Rowe, and collect the amounts thereof in the manner prescribed in section sixty-nine of chapter forty-three of the General Statutes.

Commissioners
may hire
money.

SECTION 3. The county commissioners of said counties are hereby authorized to hire and use such sums of money as may be necessary to comply with the provision of this act.

Florida and
Charlemont to
keep bridge in
repair.

SECTION 4. The towns of Florida and Charlemont shall maintain and keep in repair the portion of said bridge and its approaches within their respective limits, and shall have the same rights, and be subject to the same liabilities in respect to said respective portions as is provided by law in respect to highways.

Rowe to pay
Charlemont
one-half the ex-
pense.

SECTION 5. The town of Rowe shall annually pay to the town of Charlemont one-half the expense incurred in maintaining and keeping in repair the portion of said bridge and approaches within the limits of Charlemont, and in case of neglect or refusal so to pay, the town of Charlemont may recover the same in an action of contract brought in any court competent to try the same.

SECTION 6. This act shall take effect upon its passage.

Approved May 9, 1871.

AN ACT TO AUTHORIZE THE TOWNS OF GILL AND MONTAGUE TO SUBSCRIBE FOR AND HOLD SHARES IN THE CAPITAL STOCK OF THE TURNER'S FALLS BRIDGE COMPANY.

Chap. 276

Be it enacted, &c., as follows :

SECTION 1. The towns of Gill and Montague, or either of them, are hereby authorized, when by a two-thirds vote of the voters of said town, present and voting thereon, and using the check-list, at a legal town meeting duly called for the purpose, to subscribe for and hold shares in the capital stock of the Turner's Falls Bridge Company, to an amount not exceeding two per centum of the assessed valuation of each or either of said towns respectively.

Gill and Montague may take stock in Turner's Falls Bridge Company, if authorized by two-thirds votes.

SECTION 2. Said town or towns may pay for said shares so voted to be taken, out of their respective treasuries, and are hereby authorized to raise by loan upon bonds or tax or otherwise, any and all sums of money which may be necessary to pay for the same, and may hold and dispose of the same like other town property. And the selectmen of said town or towns, or any agent specially chosen for that purpose, shall have authority to represent and act for said towns respectively, at any and all meetings of the Turner's Falls Bridge Company.

May pay for shares out of treasury or raise money by loan, &c.

Selectmen to represent town at meetings of company.

SECTION 3. This act shall take effect upon its passage.

Approved May 9, 1871.

AN ACT TO INCREASE THE SALARY OF THE JUDGE OF PROBATE FOR THE COUNTY OF SUFFOLK.

Chap. 277

Be it enacted, &c., as follows :

SECTION 1. The judge of the probate court for the county of Suffolk shall hereafter receive an annual salary of four thousand dollars.

Salary fixed at \$4,000.

SECTION 2. This act shall take effect upon its passage.

Approved May 11, 1871.

AN ACT TO INCORPORATE THE FALMOUTH HEIGHTS LAND AND WHARF COMPANY, AND FOR OTHER PURPOSES.

Chap. 278

Be it enacted, &c., as follows :

SECTION 1. G. Edward Smith, Jones E. Estabrook, William T. Miles, their associates and successors, are hereby made a corporation by the name of the Falmouth Heights Land and Wharf Company, for the purpose of improving and disposing of land now owned by them in common, in Falmouth, and purchasing, holding, improving and disposing of lands adjacent thereto; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to said corporation.

Corporators.

Name and purpose.

Powers and duties.

May purchase
and sell land,
&c.

Proviso.

Capital stock
and shares.

Proviso.

May construct
wharf in Fal-
mouth.

SECTION 2. Said corporation may purchase land adjoining the land owned by the parties as aforesaid, and hold, improve, and sell the same, with buildings which may be erected thereon: *provided*, that the whole amount of land now held and to be purchased shall not exceed two hundred acres.

SECTION 3. The capital stock of said corporation shall be fifty thousand dollars, which may by vote of said corporation be increased to an amount not exceeding one hundred thousand dollars, to be divided into shares of one hundred dollars each: *provided, however*, that said corporation shall not commence business or incur liability until fifteen thousand dollars of capital stock shall have been paid in in cash.

SECTION 4. License is hereby given to said corporation to construct a wharf from land now owned by said parties on Vineyard Sound in said Falmouth, the location, width and extent thereof to be prescribed by the harbor commissioners; subject to section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six, and chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

SECTION 5. This act shall take effect upon its passage.

Approved May 11, 1871.

Chap. 279

AN ACT TO INCORPORATE THE PEMBERTON MUTUAL FIRE INSURANCE COMPANY IN LAWRENCE.

Be it enacted, &c., as follows:

Corporators.

Name and purpose.

Powers and duties.

Policy may issue on property in New Hampshire.

SECTION 1. Alfred J. French, George E. Davis, Harrison D. Clement, their associates and successors, are hereby made a corporation by the name of the Pemberton Mutual Fire Insurance Company, to be located in the city of Lawrence, for the purpose of making insurance against loss or damage by fire, on the mutual principle; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to such corporations.

SECTION 2. Policies of insurance may be issued on property situated in the state of New Hampshire.

SECTION 3. This act shall take effect upon its passage.

Approved May 11, 1871.

Chap. 280

AN ACT TO PROVIDE FOR THE REGULATION AND INSPECTION OF BUILDINGS, THE MORE EFFECTUAL PREVENTION OF FIRE, AND THE BETTER PRESERVATION OF LIFE AND PROPERTY IN THE CITY OF BOSTON.

Be it enacted, &c., as follows:

Department for survey and inspection of

SECTION 1. There is hereby created in the city of Boston an executive department, to be known and designated as

the department for the survey and inspection of buildings, which shall have charge of enforcing the several provisions of this act. And the said department shall be provided with office room and all the necessary supplies for the proper transaction of its business.

buildings in
Boston.

SECTION 2. In the construction of this act, if not inconsistent with the context, the following terms shall have the respective meanings hereinafter assigned to them:—

“External Wall” shall apply to every outer wall or vertical enclosure of a building, other than a party-wall.

External wall.

“Party-wall” shall apply to every wall used, or built, as a separation of any building from any other building, with a view to the same being occupied by different persons.

Party-wall.

“Foundation Wall” shall be understood to mean that portion of external walls below the level of the street curb, and for walls not on any street, that portion of the wall below the level of the ground outside of the wall.

Foundation
wall.

“Partition Wall” shall be understood to mean any interior wall of masonry in a building.

Partition wall.

A “tenement house” shall be taken to mean and include every house, building or portion thereof which is rented, leased, let or hired out to be occupied, or is occupied as the house or residence of more than three families living independently of another and doing their cooking upon the premises, or by more than two families upon a floor, so living and cooking, but having a common right in the halls, stairways, yards, water-closets or privies, or some of them.

Tenement
house.

A “lodging-house” shall be taken to mean and include any house or building, or portion thereof, in which persons are lodged for hire for a single night or for less than a week at one time.

Lodging-house.

A “cellar” shall be taken to mean and include every basement or lower story of any building or house of which one-half or more of the height from the floor to the ceiling is below the level of the street adjoining.

Cellar.

SECTION 3. The city council of the city of Boston shall, within sixty days after the passage of this act, establish and define the limits within which all buildings thereafter erected shall conform to the provisions of this act; and said city council may, from time to time, by ordinance, extend and define the said limits as they may deem proper, due legal notice being given thereof.

City council to
define limits
within which
buildings shall
conform to this
act.

SECTION 4. The chief officer of the said department for the survey and inspection of buildings shall be called the inspector of buildings. He shall be appointed by the mayor, and confirmed by the city council. He shall hold office for

Inspection of
buildings.

the term of three years, or until his successor shall take office, but may be sooner removed by the city council for malfeasance, incapacity or neglect of duty.

Clerk and assistant-inspectors.

SECTION 5. The subordinate officers of the said department shall consist of a clerk, and such number of assistant-inspectors as the city council may from time to time determine, all of whom shall be appointed by the inspector, with the approval of the mayor. The assistant-inspectors and clerk shall hold office for the term of two years, but may be sooner removed by the inspector, with the approval of the mayor, for malfeasance, incapacity or neglect of duty.

Inspector and assistant to be able mechanics.

SECTION 6. The inspector and assistant-inspectors of the said department shall be able and experienced mechanics, competent to perform all the duties of the office to which they are appointed.

Duties of inspector.

SECTION 7. It shall be the duty of the inspector of buildings to sign all certificates and notices required to be issued under this act from said department.

To make return of all violations, except those mentioned in section fifty, to the city solicitor for prosecution.

To have kept in proper books for that purpose a register of all transactions of said department.

To submit to the city council a half-yearly statement in detail of such transactions.

To enter upon the premises wherein any fire has occurred, if necessary, in order to investigate the origin of the fire.

And further, to perform such other duties as are herein required of him.

He shall also have a general supervision and direction over the subordinate officers of the department.

Assistant-inspectors to attend fires and report to fire department condition of premises on fire.

SECTION 8. The assistant-inspectors of buildings, if such officers are appointed, shall, under the direction of the inspector of buildings, attend all fires occurring in the districts to which they are respectively assigned, and report to the chief or assistant-engineer of the fire department present all information they may have relative to the construction and condition of the premises on fire, and also any such information relating to the adjoining buildings.

Inspectors to examine buildings in course of erection.

SECTION 9. The inspector or assistant-inspectors shall examine all buildings in the course of erection, alteration or repair throughout the city as often as practicable, and shall make a record of all violations of any of the several divisions of this act, together with the street and number where such violations are found, the names of the owner, lessee, occupants, architect and master mechanics, and all other matters relative thereto. It shall also be the duty of

the inspector or assistant-inspectors, to examine all buildings reported dangerous, or damaged by fire or accident, and to make a record of such examinations, including the nature and amount of such damage, with the name of the street and number of the building, the names of owner, lessee, and for what purpose occupied, and, in case of fire, the probable origin thereof; to examine all buildings under application to raise, enlarge, alter or build upon, and to make a record of the condition of the same. Said records shall always be open to the inspection of the engineers of the fire department, or any officer of the city.

— to examine buildings reported dangerous.

Records subject to inspection of engineers, &c.

SECTION 10. In the absence of the inspector of buildings, one of the assistant inspectors may be appointed by him to act as his deputy, with the same powers exercised by him.

If inspector is absent, assistant may be appointed his deputy.

SECTION 11. All the officers appointed under this act shall, so far as may be necessary for the performance of their respective duties, have the right to enter any building or premises in the city of Boston.

Officers may enter any building.

SECTION 12. The compensation of the officers appointed under this act shall be fixed by the city council of Boston.

Compensation.

REGULATION AND SUPERVISION OF BUILDINGS.

SECTION 13. The following buildings and works shall be exempt from the operations of this act:—

Bridges, quays, wharves.

Bridges, wharves, &c., exempt.

Buildings belonging to, or occupied by, the governments of the United States and the Commonwealth of Massachusetts.

SECTION 14. With the exceptions herein before or hereinafter mentioned, this act shall apply to all buildings hereafter erected within the building limits of the city of Boston, and to all tenement or lodging-houses and all buildings built of brick, stone or other non-combustible material outside of the said limits, but within the city of Boston.

To what buildings provisions apply.

SECTION 15. Any work of alteration or addition made or done for any purpose in, to or upon any building, except that of necessary repairs not affecting the construction of the external or party-walls, chimneys or stairways of a building, shall, to the extent of such work of alteration or addition, be subject to the regulations of this act.

Alterations or additions to buildings.

SECTION 16. No wooden or frame building shall hereafter be built within the said building limits of the city of Boston; and no wooden addition shall be made to any building within said limits which shall exceed fifteen feet in height from the ground.

No wooden or frame building to be hereafter erected.

No wooden building shall be moved from any lot outside of the said limits to any lot within the said limits.

No wooden building to be moved in.

The city council of the city of Boston may authorize the erection of wooden buildings outside of said limits, but within said city, upon such terms and conditions and subject to such limitations and restrictions as they may deem expedient.

Repairs may be made upon wooden buildings already built.

SECTION 17. It shall, however, be lawful for the owner, or other party interested, to make any necessary repairs upon any wooden or frame building already built, provided that the height of said building shall not be increased.

It shall also be lawful to substitute for a pitch roof a flat roof covered with metal or other non-combustible material.

No building now erected, or hereafter to be erected, shall be altered, raised, roofed, enlarged or otherwise built upon in any manner contrary to the terms of this act.

Permit for building to be obtained of inspector.

SECTION 18. No building shall be erected hereafter in any part of the city of Boston, without a permit being first obtained from the inspector of buildings; and no addition or alteration to any building, subject to the regulations of this act, shall be made without a permit from said inspector; and said inspector shall designate, in all permits for the erection of new buildings, the grade below which the floor of the basement story of said building shall not be laid.

Alterations.

Grade.

Buildings for public assemblies.

SECTION 19. The inspector of buildings shall not give a permit for the erection of any building to be used for public assemblies, until he has carefully inspected the plans and specifications thereof, and ascertained that the building has sufficient strength, and that the means of ingress and egress are sufficient; and a copy of said specifications shall be deposited in the office of said inspector. If in any case the inspector shall see fit to prohibit the erection or alteration of any building according to the plan as submitted, and such decision shall appear to the owner or architect to be unreasonable, the owner or architect shall have the right of appeal to a committee of five experts, who shall be architects, engineers or master-builders, two of whom shall be chosen by the said owner or architect, and two by the inspector of buildings, the fifth one to be chosen by the other four, and their decision shall be final.

If inspector prohibits erection of building, owner may appeal to committee of experts.

Every building to be built of brick, stone, or iron.

SECTION 20. Every building shall be built of brick, stone, iron or other hard and incombustible material, and with foundations resting upon the solid ground, not less than four feet below the surface exposed to frost, or upon concrete, piles or other solid substructure.

Every wall constructed of brick, stone or other similar substance, shall be properly bonded and solidly built with mortar or cement.

The thickness of every wall, as hereinafter determined, shall be the minimum thickness, as applied to solid walls.

The height of every external or party-wall, as referred to in this act, shall be measured from the level of the top of the foundation wall to its highest point.

SECTION 21. For dwelling-houses not exceeding thirty-five feet in height, foundation walls, laid with block stone in horizontal courses, or in brick laid in cement, shall be not less than sixteen inches thick, and external and party-walls of brick shall be not less than eight inches thick.

Dimensions of
foundation
walls for dwell-
ing-houses.

For dwelling-houses exceeding thirty-five and not exceeding fifty-five feet in height, foundation walls laid with block stone in horizontal courses shall be not less than eighteen inches thick; if of brick, the foundation must be sixteen inches thick and laid in cement. External brick walls shall be not less than twelve inches thick; party-walls of brick not less than twelve inches thick to the top of the second floor above the street, and not less than eight inches thick for the remaining height.

For dwelling-houses exceeding fifty-five feet in height, foundation walls laid with block stone in horizontal courses, or brick laid in cement shall be not less than twenty inches thick, the external and party-walls not less than twelve inches thick for the entire height.

The thickness of foundation walls laid with irregular rubble work shall be one-fourth greater than the thickness given for block stone walls.

SECTION 22. Buildings other than dwelling-houses shall have walls of the following thickness:—

Dimensions of
foundation
walls for build-
ings other than
dwelling-
houses.

For buildings not exceeding thirty-five feet in height, the foundation walls, laid in block stone in horizontal courses, shall not be less than eighteen inches thick. The external and party-walls not less than twelve inches thick to the top of the upper floor, and not less than eight inches thick for the remaining height.

For buildings exceeding thirty-five and not exceeding fifty-five feet in height, the foundation walls, laid in block stone, shall not be less than two feet thick. The external and party-walls not less than sixteen inches thick to the top of the highest floor, and not less than twelve inches thick for the remaining height.

For buildings exceeding fifty-five feet in height, the foundation walls, laid with block stone in horizontal courses, shall be not less than thirty inches thick. External and party-walls, not bearing floor timbers, not less than sixteen inches thick to the top of the highest floor, and not less than

twelve inches thick for the remaining height. External or party-walls bearing floor timbers, not less than twenty inches thick to the top of the second floor above the street, and not less than sixteen inches thick from the top of the second floor above the street to the top of the highest floor, and not less than twelve inches thick for the remaining height.

The bottom course for all foundation walls resting upon the ground shall be at least twelve inches wider than the thickness above given for the foundation walls.

Piers or columns supporting walls of masonry.

SECTION 23. Piers or columns supporting walls of masonry shall have for a footing course a broad leveller, or levellers, of block stone not less than sixteen inches thick, and with a bearing surface equal in area to the square of the width of the footing course, plus one foot required for a wall of the same thickness and extent as that borne by the pier or column.

And if the foundation of such piers or columns rests upon piles, a sufficient number shall be driven to insure a proper support.

Piles for foundation.

SECTION 24. Where piles are driven for a foundation, they shall be of suitable stock, and driven to a firm and solid bearing upon "hard pan,"—to be ascertained by boring.

The tops of the piles shall be cut off on a level below the natural level of the water, as it stands in the ground during the summer months.

It shall be the duty of the inspector of buildings to give the grades at which piles may be cut off.

Buildings exceeding thirty-five feet in height shall have not less than two rows of piles under all external and party-walls, and the piles shall be spaced not over three feet on centres in the direction of the length of the wall.

Recesses and openings in walls.

SECTION 25. Recesses and openings may be made in external walls, provided the thickness of the backs of such recesses be not less than eight inches, and provided the whole area of all the recesses and openings in any wall do not exceed one-half of the area of said wall.

Whenever it becomes desirable to cut a door-way through any party-wall separating two buildings, a notice of the intention to do so shall be filed with the inspector of buildings.

Any such door-way shall not exceed ten feet in height by eight feet in width, and shall have top, bottom and sides of stone, brick or iron.

Door-way to be closed with iron doors.

The said door-way shall be closed by two sets of wrought-iron or metal-covered doors, hung to rebated iron frames, and separated by the thickness of the wall. And whenever

such door-way ceases to be used, it shall be immediately filled up with masonry.

No continuous vertical recess of more than four inches in depth shall be made in any twelve-inch party-wall, and no recess of any kind shall be made in any eight-inch party-wall.

SECTION 26. All the enclosing walls of a building shall be tied in by means of wall irons, built into the wall, and turned up back, not less than eight inches of brickwork, and fastened to the floor so that there shall be a continuous tie every ten feet across the building on each floor, as far as practicable.

Enclosing walls to be tied by wall-irons.

SECTION 27. All party-walls shall be built up at least six inches above the flat of the roof of the highest building of which such wall forms a part, for the full extent of the flat. And where there is a mansard or pitch roof, the party-wall shall be built up to the under side of the roof covering, which shall be laid and imbedded in mortar upon said wall.

Party-walls above the roof.

SECTION 28. In all buildings hereafter built, there shall be not less than four inches of solid brickwork between the floor timbers built into the same party-wall from opposite sides.

To be four inches of brickwork between floor timbers in same wall from opposite sides.

SECTION 29. Exterior walls, faced with stone, shall have a backing of not less than eight inches of hard brickwork laid in mortar. But in no case shall the thickness of stone and backing, taken together, be less than the thickness required for a brick wall of the same height.

Exterior walls faced with stone.

The stone facing of a wall shall always be securely tied to the brick backing by means of metal clamps. All brick facings must be securely tied to the backing at least every tenth course.

In all cases where a wall is finished with a stone cornice, the greatest weight of material of such cornice shall be on the inside of the face of the wall, so that the cornice shall firmly balance upon the wall.

Stone cornice.

SECTION 30. All buildings hereafter built shall be roofed with slate, tin or other non-combustible roofing material, and all buildings shall have a scuttle not less than two by three feet, with a permanent step-ladder or flight of stairs thereto.

Buildings to be roofed with slate or tin.

SECTION 31. All chimneys shall be built of brick, stone or other fire-proof non-conducting material. All brick flues shall be smoothly plastered inside with mortar from top to bottom and outside below the roofing.

Chimneys.
Brick flues.

Brick flues, not starting from the foundation walls, shall be securely built into the brickwork of the walls to which they are hung. In no case shall chimneys rest upon any flooring without a footing of masonry or iron supported by

iron beams, having a secure bearing on masonry or iron at either end.

All flues shall be topped out at least four feet above the roof of the building to which they belong. The brick topping out of chimneys shall not have more than two inches projection, unless covered by a cap of metal or stone properly secured.

Hearths of fire-places.

Hearths of fire-places or grates shall be laid upon brick or other trimmer arches, or upon bars of iron supporting a bed of brickwork.

No wood-work of any kind shall be placed at a less distance than one inch from the outside brickwork of any flue. In no case shall a nail be driven into the masonry of any flue.

Drains to enter city sewer.

SECTION 32. All buildings hereafter built within the above limits shall have proper brick, iron or tile drains laid with air-tight joints, with a proper pitch to the city sewer, and shall be properly entered therein.

Buildings on made land to have cellar bottom covered with concrete or paved with brick laid in cement.

SECTION 33. All buildings built upon filled or made land shall have a bed of concrete, made of hydraulic cement and gravel, or tar and gravel, spread over the cellar bottom, or shall be paved with brick laid in cement, throughout the whole extent of the building; and where there is a basement floor over the cellar bottom, leaving an air-space between the concrete and said floor, the air-space shall be ventilated by an opening into a flue in the chimney of the building.

TENEMENT OR LODGING-HOUSES.

Tenement or lodging-houses not to be occupied unless provisions are complied with.

SECTION 34. No house, building, or portion thereof, in the city of Boston, used, occupied, leased or rented for a tenement or lodging-house, shall continue to be so used, occupied, leased or rented, unless the same, on the requisition of the board of health, shall conform in its construction and appurtenances to the provisions of this act. And the inspector of buildings shall see that the requisitions of the board of health in regard to the repair and alterations of tenement or lodging-houses are properly carried out; and shall approve all plans for the construction of new tenement or lodging-houses. If in any case the inspector shall see fit to prohibit the erection of the building according to the plan, the owner or architect shall have the right of appeal, as provided in section nineteen.

Exterior walls of tenement houses to be of brick or stone.

SECTION 35. The exterior walls of all tenement or lodging-houses hereafter erected shall be of brick or stone; and those hereafter erected on streets not more than twenty feet in width shall not exceed thirty feet in height.

SECTION 36. Every house, building, or portion thereof, in the city of Boston, designed to be used, occupied, leased or rented, or which is used, occupied, leased or rented for a tenement or lodging-house, shall have in every room which is occupied as a sleeping-room, and which does not communicate directly with the external air, a ventilating or transom window, having an opening or area of three square feet over the door leading into and connected with the adjoining room, if such adjoining room communicates with the external air ; and also a ventilating or transom window, of the same opening or area, communicating with the entry or hall of the house, or where this is, from the relative situation of the rooms, impracticable, such last mentioned ventilating or transom window shall communicate with an adjoining room that itself communicates with the entry or hall. Every such house or building shall have in the roof, at the top of the hall, an adequate and proper ventilator, of a form approved by the inspector of buildings.

Ventilation of
tenement and
lodging-houses.

SECTION 37. Every such house shall be provided with a proper fire-escape, or means of escape in case of fire, to be approved by the inspector of buildings.

Fire-escape.

SECTION 38. The roof of every such house shall be kept in good repair and so as not to leak, and all rain-water shall be so drained or conveyed therefrom as to prevent its dripping on ground or causing dampness in the walls, yard or area. All stairs shall be provided with proper balusters or railings, and shall be kept in good repair.

Roof to be kept
tight.

SECTION 39. Every such building shall be provided with good and sufficient water-closets, earth-closets or privies, of a construction approved by the inspector of buildings, and shall have proper doors, traps, soil-pans and other suitable works and arrangements, so far as may be necessary, to insure the efficient operation thereof. Such water-closets or privies shall not be less in number than one to every twenty occupants of said house ; but water-closets and privies may be used in common by the occupants of any two or more houses : *provided*, the access is convenient and direct ; and *provided*, the number of occupants in the houses for which they are provided shall not exceed the proportion above required for every privy or water-closet. Every such house situated upon a lot on a street in which there is a sewer, shall have the water-closets or privies furnished with a proper connection with the sewer, which connection shall be in all its parts adequate for the purpose, so as to permit entirely and freely to pass whatever enters the same. Such connection with the sewer shall be of a form approved by the in-

Water-closets,
earth-closets
and privies.

Provisos.

Cesspools.

spector of buildings, and all such water-closets and vaults shall be provided with the proper traps, and connected with the house sewer by a proper tight pipe, and shall be provided with sufficient water and other proper means of flushing the same ; and every owner, lessee and occupant shall take due measures to prevent improper substances from entering such water-closets or privies or their connections, and to secure the prompt removal of any improper substances that may enter them, so that no accumulation shall take place, and so as to prevent any exhalations therefrom, offensive, dangerous or prejudicial to life or health, and so as to prevent the same from being or becoming obstructed. No cesspool shall be allowed in or under or connected with any such house, except when it is unavoidable, and in such case it shall be constructed in such situation and in such manner as the inspector of buildings may direct. It shall in all cases be watertight, and arched or securely covered over, and no offensive smell or gases shall be allowed to escape therefrom, or from any privy or privy vault. In all cases where a sewer exists in the street upon which the house or building stands, the yard or area shall be so connected with the same, that all water, from the roof or otherwise, and all liquid filth shall pass freely into it. Where no sewer exists in the street, the yard or area shall be so graded that all water, from the roof or otherwise, and all filth, shall flow freely from it and all parts of it, into the street gutter, by a passage beneath the sidewalk, which shall be covered by a permanent cover, but so arranged as to permit access to remove obstructions or impurities.

Cellars and underground rooms used as dwellings.

SECTION 40. From and after the passage of this act it shall not be lawful, without a permit from the board of health or superintendent of health, to let or occupy, or suffer to be occupied separately as a dwelling, any vault, cellar or underground room, built or rebuilt after said date, or which shall not have been so let or occupied before said date. And it shall not be lawful, without such permit, to let or continue to be let, or to occupy, or suffer to be occupied, separately as a dwelling, any vault, cellar or underground room whatsoever, unless the same be in every part thereof at least seven feet in height, measured from the floor to the ceiling thereof, nor unless the same be for at least one foot of its height above the surface of the street or ground adjoining, or nearest to the same, nor unless there be outside of and adjoining the said vault, cellar or room, and extending along the entire frontage thereof, and upwards from six inches below the level of the floor thereof, up to the surface of the said street

or ground, an open space of at least two feet and six inches wide in every part, nor unless the same be well and effectually drained by means of a drain, the uppermost part of which is one foot at least below the level of the floor of such vault, cellar or room, nor unless there is a clear space of not less than one foot below the level of the floor, except where the same is cemented, nor unless there be appurtenant to such vault, cellar or room, the use of a water-closet or privy, kept and provided as in this act required, nor unless the same have an external window-opening of at least nine superficial feet clear of the sash frame, in which window-opening there shall be fitted a frame filled in with glazed sashes, at least four and a half superficial feet of which shall be made so as to open for the purpose of ventilation: *provided, however*, that in case of an inner, or back vault, cellar or room, let or occupied along with a front vault, cellar or room, as a part of the same letting or occupation, it shall be a sufficient compliance with the provisions of this act, if the front room is provided with a window as herein before provided, and if the said back vault, cellar or room is connected with the front vault, cellar or room by a door, and also by a proper ventilating or transom window, and, where practicable, also connected by a proper ventilating or transom window, or by some hall or passage, or with the external air: *provided, always*, that in any area adjoining a vault, cellar or underground room, there may be steps necessary for access to such vault, cellar or room, if the same be so placed as not to be over, across or opposite to said external window and so as to allow between every part of such steps and the external wall of such vault, cellar or room, a clear space of six inches at least, and if the rise of said steps is open; and *provided, further*, that over or across any such area there may be steps necessary for access to any building above the vault, cellar or room, to which such area adjoins, if the same be so placed as not to be over, across or opposite to any such external window.

Provisos.

SECTION 41. From and after the passage of this act, no vault, cellar or underground room, in any tenement or lodging-house, shall be occupied as a place of lodging or sleeping, except the same shall be approved in writing, and a permit given therefor by the board of health or superintendent.

Cellars not to be occupied for lodging, &c., except by permission of board of health.

SECTION 42. Every tenement or lodging-house shall have the proper and suitable conveniences or receptacles for receiving garbage and other refuse matters. No tenement or lodging-house, or any portion thereof, shall be used as a place of storage for any combustible article, or any article dangerous

Receptacle for garbage and other refuse matters.

to life or detrimental to health; nor shall any horse, cow, calf, swine, pig, sheep or goat be kept in said house.

Tenement
houses to be
kept clean.

SECTION 43. Every tenement or lodging-house, and every part thereof, shall be kept clean and free from any accumulation of dirt, filth, garbage or other matter in or on the same, or in the yard, court, passage, area or alley connected with or belonging to the same. The owner or keeper of any lodging-house, and the owner or lessee of any tenement house or part thereof, shall thoroughly cleanse all the rooms, passage, stairs, floors, windows, doors, walls, ceilings, privies, cesspools and drains thereof of the house, or part of the house, of which he is the owner or lessee, to the satisfaction of the board of health, so often as shall be required by or in accordance with any regulation or ordinance of said city, and shall well and sufficiently, to the satisfaction of said board, whitewash the walls and ceilings thereof twice at least every year, in the months of April and October, unless the said board shall otherwise direct. Every tenement or lodging-house shall have legibly posted or painted on the wall or door in the entry, or some public accessible place, the name and address of the owner or owners and of the agent or agents, or any one having charge of the renting and collecting of the rents for the same; and service of any papers required by this act, or by any proceedings to enforce any of its provisions, or of the acts relating to the board of health, shall be sufficient, if made upon the person or persons so designated as owner or owners, agent or agents.

Walls and ceilings to be
whitewashed
twice a year.

Keeper of lodging-house and
owner of tenement to give
free access to
officers.

SECTION 44. The keeper of any lodging-house, and the owner, agent of the owner, lessee and occupant of any tenement house, and every other person having the care or management thereof, shall, at all times, when required by any officer of the board of health, or by any officer upon whom any duty or authority is conferred by this act, give him free access to such house and to every part thereof. The owner or keeper of any lodging-house, and the owner, agent of the owner, and the lessee of any tenement house, or part thereof, shall, whenever any person in such house is sick of fever, or of any infectious, pestilential or contagious disease, and such sickness is known to such owner, keeper, agent or lessee, give immediate notice thereof to the board of health, or to some officer of the same, and thereupon, said board shall cause the same to be inspected, and may, if found necessary, cause the same to be immediately cleansed or disinfected at the expense of the owner, in such manner as they may deem necessary and effectual; and they may also cause the blankets, bedding and bed-clothes used by any such sick

— to give notice
of contagious
diseases, &c.

person to be thoroughly cleansed, scoured and fumigated, and in extreme cases to be destroyed.

SECTION 45. Whenever it shall be certified to the board of health by the superintendent, that any building, or part thereof, is unfit for human habitation, by reason of its being so infected with disease as to be likely to cause sickness among the occupants, or by reason of its want of repair has become dangerous to life, said board may issue an order, and cause the same to be affixed conspicuously on the building, or part thereof, and to be personally served upon the owner, agent or lessee, if the same can be found in this state, requiring all persons therein to vacate such building for the reasons to be stated therein as aforesaid.

Board of health may cause premises to be vacated when unfit for habitation.

Such building, or part thereof, shall, within ten days thereafter, be vacated; or within such shorter time, not less than twenty-four hours, as in said notice may be specified; but said board, if it shall become satisfied that the danger from said house, or part thereof, has ceased to exist, may revoke said order, and it shall thenceforward become inoperative.

SECTION 46. No house hereafter erected shall be used as a tenement house or lodging-house, and no house heretofore erected, and not now used for such purpose, shall be converted into, used or leased for a tenement or lodging-house, unless in addition to the requirements herein before contained, it conforms to the requirements contained in the following sections.

Tenement house, &c., not to be used until regulations are complied with.

SECTION 47. It shall not be lawful hereafter to erect for, or convert to the purposes of a tenement or lodging-house, a building on the front of any lot where there is another building on the rear of the same lot, unless there is a clear, open space, exclusively belonging to the front building and extending upwards from the ground, of at least ten feet between said buildings, if they are one story high above the level of the ground; if they are two stories high, the distance between them shall not be less than fifteen feet; if they are three stories high, the distance between them shall be twenty feet; and if they are more than three stories high, the distance between them shall be twenty-five feet. At the rear of every building hereafter erected for or converted to the purposes of a tenement or lodging-house on the back part of any lot, there shall be a clear open space of ten feet between it and any other building. But when thorough ventilation of such open spaces can be otherwise secured, said distances may be lessened or modified in special cases, by a permit from the inspector of buildings.

Distances requisite between walls of tenement-houses and other buildings.

Height of
rooms.

SECTION 48. In every such house hereafter erected or converted, every habitable room, except rooms in the attic, shall be in every part not less than eight feet in height from the floor to the ceiling; and every habitable room in the attic of any such building shall be at least eight feet in height from the floor to the ceiling, throughout not less than one-half the area of such room. Every such room shall have at least one window connecting with the external air, or over the door a suitable ventilator, connecting it with a room or hall which has a connection with the external air. The total area of window in every room communicating with the external air shall be equal to at least one-tenth of the superficial area of every such room; and the top of one at least of such windows shall not be less than seven feet and six inches above the floor, and the upper half of each window shall be so made as to open for the purposes of ventilation. Every habitable room of a less area than one hundred superficial feet, if it does not communicate directly with the external air, and is without an open fire-place, shall be provided with special means of ventilation by a separate air-shaft extending to the roof, or otherwise, as the inspector of buildings may prescribe.

Windows.

Ventilation for
rooms that do
not communi-
cate with open
air.

Fire-place for
every family.

SECTION 49. Every such house hereafter erected or converted, shall have adequate chimneys running through every floor, with an open fire-place or grate, or place for a stove, properly connected with one of said chimneys, for every family and set of apartments. It shall have proper conveniences and receptacles for ashes and rubbish; it shall have water furnished at one or more places in such house, or in the yard thereof, so that the same may be adequate and reasonably convenient for the use of the occupants thereof.

Receptacles for
ashes, &c.

Cellar-floor to
be cemented.

It shall have the floor of the cellar properly cemented, so as to be water-tight. The halls on each floor shall open directly to the external air, with suitable windows, and shall have no room or other obstruction at the end, unless sufficient light or ventilation is otherwise provided for said halls, in a manner approved by the inspector of buildings.

Inspector, with
approval of
board of health,
may make other
regulations.

SECTION 50. The inspector of buildings, with the approval of the board of health, shall have authority to make other regulations as to cellars and as to ventilation, consistent with the foregoing, where he shall be satisfied that such regulations will secure equally well the health of the occupants. All complaints of violations of sections forty, forty-one, forty-two, forty-three, forty-four and forty-five of this act shall be made only by authority of the board of health.

DANGEROUS STRUCTURES.

SECTION 51. If any building or parts of a building, ^{Dangerous structures to be inspected.} staging or other structure, in the city of Boston, shall from any cause, be reported dangerous or unsafe, and to endanger life and limb, it shall be the duty of the inspector of buildings to inspect such structure, and if, in his opinion, the same be dangerous, he shall cause a description of such dangerous structure, with street and number, to be entered in the books of the department for the survey and inspection of buildings.

SECTION 52. The inspector of buildings shall immediately ^{Owners to be notified.} serve a notice in writing upon the owner, agent or other party having an interest in said structure, requiring the same to be made safe and secure, or removed, as may be necessary.

If the person so served with notice shall certify his or their assent to the securing or removing of the said unsafe or dangerous structure, he or they shall be allowed until twelve o'clock noon of the day following the service of such notice in which to commence the securing or removal of the same, and he or they shall employ sufficient labor to remove or secure the said structure as expeditiously as can be done. But upon his or their refusal or neglect to comply with the requirements of said notice so served, then a careful survey of the premises named in said notice, shall be made by the inspector of buildings, the city engineer and a person appointed by the owner or other interested party. And if the owner or other interested party shall refuse to appoint such surveyor, the other two shall proceed to make the survey, and in case of disagreement they shall call in a third person.

^{Proceedings in case building is not secured or removed.}

The report of such survey shall be reduced to writing, and entered in the books of the department for the survey and inspection of buildings, and a copy served upon the owner or other interested party.

SECTION 53. Whenever the report of any such survey, had as aforesaid, shall cite the structure as unsafe or dangerous to life and limb, the inspector of buildings shall, upon the continued refusal or neglect of the owner or other interested party, cause such unsafe or dangerous structure to be taken down or otherwise made safe, and the cost and charges shall become a lien upon the said estate, to be collected according to law, but without prejudice to the right which the owner thereof may have to recover the same from any lessee, or other person liable for the expense of repairs: *provided*, ^{Building to be taken down or made safe.} that nothing herein shall authorize the recovery by the lessor of the lessee of the cost of any charges which have been ren-

^{Proviso.}

dered necessary through the default or negligence of the lessor, or through want of repair or defects existing in said premises at the commencement of the lease.

Penalty for not taking down building.

SECTION 54. Upon the citation of any structure as unsafe or dangerous by the inspector of buildings, if the owner or other interested party, being notified thereof in writing, shall refuse or neglect to cause the said structure to be taken down or otherwise made safe, said owner or other interested party shall be liable, for every day's continuance of said refusal or neglect, to the penalty of a sum not less than ten nor exceeding fifty dollars, said sums to be recoverable as debts are now by law recoverable.

Parties aggrieved may apply for a jury.

SECTION 55. Any owner or other interested person aggrieved by any such order may, within three days after the service thereof upon him, apply for a jury to the superior court, if sitting in the county, or to any justice thereof in vacation. The court or justice shall issue a warrant for a jury, to be impanelled by the sheriff within fourteen days from the date of the warrant, in the manner provided in chapter forty-three of the General Statutes relating to highways.

Jury to return verdict to next term of court.

SECTION 56. The jury may affirm, annul or alter such order; and the sheriff shall return the verdict to the next term of the court for acceptance, and being accepted, it shall take effect as an original order.

Costs.

SECTION 57. If the order is affirmed, costs shall be taxed against the applicant. If it is annulled, the applicant shall recover damages and costs against the city. If it is altered in part, the court may render such judgment as to costs as justice may require.

Penalty may be enforced if order is not annulled by jury.

SECTION 58. Nothing contained in the three preceding sections shall be construed to bar the right of the city to recover the penalty enacted in section fifty-four, for the continuance of the refusal or neglect of the owner or other interested party to cause the structure in question to be taken down, or otherwise made safe, unless the said order shall be annulled by the jury; but in default of such annulment, the city shall have the right to recover said penalty from the day of the original notice as enacted in said section.

HOISTWAYS.

Hoistways to be closed at night.

SECTION 59. The lessee or occupant of any warehouse, store or manufactory, or other building in which there are hoistways, or other openings besides the usual stairways, shall cause the same to be securely closed at the close of each day. And in case any such building is unoccupied,

then the owner thereof shall cause any such openings to be kept securely closed.

PLACES OF AMUSEMENT.

SECTION 60. From and after the passage of this act, it shall not be lawful for the owners or lessees of any public hall or place of amusement in the city of Boston to obstruct, or to allow to be obstructed by others, any of the aisles or passage-ways in the auditorium of said halls or places of amusement, by placing therein any benches, chairs, stools or other articles that may prevent free egress during the hours that said places may be open to the public.

Passage ways not to be obstructed in places of amusement.

And the said owners, lessees or their agents are hereby required to keep open all doors giving access to such places of amusements when used by the public, unless such doors open outwards, and except that fly-doors, opening both ways, may be kept closed.

For any neglect or violation of the above provisions of this act, a penalty of one hundred dollars shall be imposed upon the owner, lessee or other occupant of said places of amusement.

Penalty.

COMBUSTIBLE MATERIALS.

SECTION 61. No building situated or hereafter erected within the building limits of the city of Boston, occupied in part or in whole as a dwelling, shall have any hay, straw, hemp, flax, shavings, burning-fluid, turpentine, camphene, or any inflammable oil, or any other combustible material stored therein, or kept on sale, except in such quantities as shall be provided for by law or by a city ordinance.

Dwelling-houses not to have combustible materials stored therein.

PENALTIES.

SECTION 62. If any person or persons, whether owner or owners, contractor or contractors, shall erect, construct, build or alter, so as to make it substantially a new building, any dwelling-house or other building within the city of Boston, without first obtaining a permit from the office of the inspector of buildings, such person shall forfeit and pay the sum of not less than one hundred dollars nor more than five hundred dollars, for each and every offence; and if any person or persons as aforesaid shall proceed to complete any such building without having the same inspected as required, or shall fail to have the walls thereof built of the thickness required by this act, or otherwise fail to comply with its provisions, he or they so offending shall forfeit and pay the sum of not less than one hundred dollars nor more than five

Penalties.

hundred dollars for each and every offence, and the further sum of one hundred dollars for each and every calendar month that said house or building shall be suffered to remain without the necessary inspection and the procuring of the proper certificates. These sums shall be recoverable as debts are now by law recovered.

If, upon inspection, it shall appear that the work upon any building is going on in violation of any of the provisions of this act, the inspector of buildings shall forthwith notify the owner or owners, contractor or contractors, of such violation, and if after such notice the said parties or any or either of them shall proceed in the erection or construction of such building, it shall be lawful, after due notice in writing, setting forth the said violation particularly, for the supreme judicial court, or any justice thereof, either in term time or vacation, to issue forthwith an injunction restraining such person or persons from further progress in said work until the facts of the case shall have been investigated and determined; and if it shall appear to the said court upon such investigation that such building does not in all respects conform to the provisions of this act, said court, besides enforcing the penalty herein before designated, shall issue an injunction to restrain the continuance of the work and to remove so much of the said building as may be decreed by the court, within such time as the court may appoint.

Repeal.

SECTION 63. Chapter one hundred and thirty-nine of the acts of the year eighteen hundred and thirty-five, chapter one hundred and thirty-two of the acts of the year eighteen hundred and forty-seven, chapter two hundred and eighty of the acts of the year eighteen hundred and fifty, chapter two hundred and eighty-one of the acts of the year eighteen hundred and sixty-eight, chapter one hundred and twenty-three of the acts of the year eighteen hundred and sixty-nine, and chapter one hundred and sixteen of the acts of the year eighteen hundred and seventy, and all acts or parts of acts inconsistent herewith, are hereby repealed.

Approved May 12, 1871.

Chap. 281

AN ACT IN ADDITION TO AN ACT FOR ENCOURAGING THE CULTIVATION OF USEFUL FISHES.

Be it enacted, &c., as follows :

Penalty for taking fish contrary to provisions of 1869, 384.

SECTION 1. Whoever takes any fish the capture of which is forbidden by any of the provisions of chapter three hundred and eighty-four of the acts of the year eighteen hundred and sixty-nine shall, in addition to the penalties therein prescribed, forfeit any boat, net, line, rod or other apparatus

used in such capture, in all cases where such forfeiture is not already provided for in said act.

SECTION 2. The proprietor of any unnavigable tidal stream, where the same empties into salt water, and in which fishes are lawfully cultivated or maintained, shall control the fishery of said stream within his own premises; and also beyond and around the mouth of said stream so far as the tide may ebb: *provided*, it does not ebb more than eighty rods; and whoever fishes within the above described limits without the permission of said proprietor, shall forfeit not less than one dollar nor more than twenty dollars for the first offence, and not less than five nor more than fifty dollars for any subsequent offence, and shall in addition forfeit any boat, net, line, rod, or other apparatus used in such illegal fishing.

Control of fisheries in unnavigable tidal streams.

Proviso.

Approved May 12, 1871.

AN ACT IN RELATION TO MORTGAGES OF REAL ESTATE BY GUARDIANS.

Chap. 282

Be it enacted, &c., as follows:

SECTION 1. Upon petition of the guardian of a minor and due notice and hearing thereon, the judge of the probate court having jurisdiction thereof may authorize such guardian to mortgage the real estate of his ward, whenever in the judgment of the court it is necessary or expedient.

Guardian of a minor may mortgage real estate under authority from probate court.

SECTION 2. The petition shall set forth a description of the lands to be mortgaged, the amount necessary to be raised, and the reasons therefor, and the decree of the court shall fix the amount of the mortgage.

Petition to set forth description of lands.

SECTION 3. The mortgage shall set forth that the same was executed by license of court and the date of such license, and such mortgage shall bind only the estate described therein. And the court shall require the guardian to give bond, with sufficient surety or sureties, for the faithful application of the money received on such mortgage.

Mortgage to set forth that it was executed by license of court, &c. Guardian to give bond.

SECTION 4. This act shall take effect upon its passage.

Approved May 12, 1871.

AN ACT CONCERNING THE APPOINTMENT OF SURGEONS IN THE MILITIA.

Chap. 283

Be it enacted, &c., as follows:

SECTION 1. There shall be commissioned in each separate battalion one surgeon with the rank of major.

Surgeon in each battalion.

SECTION 2. So much of the twenty-seventh section of the two hundred and nineteenth chapter of the acts of eighteen hundred and sixty-six, as allows an assistant surgeon with the rank of first lieutenant to each separate battalion, is hereby repealed.

Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved May 12, 1871.

Chap. 284 AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF MIDDLESEX TO ERECT A NEW JAIL AT CAMBRIDGE.

Be it enacted, &c., as follows :

Commissioners may erect jail, and dwelling-house for keeper, in Cambridge.

SECTION 1. The county commissioners of the county of Middlesex shall be, and they hereby are authorized to erect at Cambridge a jail and dwelling-house for the keeper of such jail, at an expense not exceeding one hundred thousand dollars, and in doing the same said commissioners may employ the convicts in the house of correction at Cambridge, so far as their labor may be used to advantage.

Not required to let out labor by contract.

SECTION 2. In erecting said buildings said commissioners shall not be required to let out by contract the labor on said building, nor advertise for proposals therefor as provided in section twenty-three of chapter seventeen of the General Statutes.

SECTION 3. This act shall take effect upon its passage.

Approved May 12, 1871.

Chap. 285 AN ACT TO AUTHORIZE NATHANIEL HOLMES AND OTHERS TO MAINTAIN A BOOM ACROSS THE CONNECTICUT RIVER.

Be it enacted, &c., as follows :

May maintain boom across Connecticut River.

SECTION 1. Nathaniel Holmes, David A. Wood and Amos E. Perry, of Gill, and their assigns, are hereby authorized to build and maintain for twenty years, a boom across the Connecticut River, above Turner's Falls, in Montague and Gill, and to construct such piers in said river as may be necessary and convenient for the proper use and safety of the same: *provided*, that said boom shall be located not less than four hundred feet above the ferry road at said Turner's Falls.

Proviso.

Provision to be made for passage of lumber and boats.

SECTION 2. In the construction of said boom provisions shall be made for the convenient passage of timber, lumber and boats, and the owners of said boom shall be held to pass such timber, lumber and boats, through the obstruction caused by their boom, free of expense and without unnecessary delay to the parties.

Compensation for storage.

SECTION 3. The owners of said boom are hereby authorized to receive such compensation as may be reasonable, not exceeding forty cents per thousand feet, board measure, for the storage of timber and lumber within their boom, whenever such storage shall be requested by the owners of such timber and lumber.

Selectmen of Montague and Gill may remove boom if it obstructs navigation.

SECTION 4. The selectmen of the towns of Montague and Gill may order said boom to be removed to either side of the river whenever it is found that it creates an unnecessary obstruction to the navigation of the Connecticut River.

SECTION 5. Nothing contained in this act shall give any right to use the shores of said river without the consent of the owner or owners thereof, and if any person or persons shall suffer damage by means of building or hanging said boom, such person or persons may have the same remedy for such damage as if this act had not been passed.

Shores of river not to be used without consent of owners.

SECTION 6. This act shall take effect upon its passage.

Approved May 12, 1871.

AN ACT IN RELATION TO THE FUND FOR THE BENEFIT OF THE NATICK INDIANS.

Chap. 286

Be it enacted, &c., as follows :

The guardian of the Natick Indians shall hereafter render his accounts of the fund held in trust by him to the probate court for the county of Middlesex, and may, under the direction and with the approval of said court, expend the income and principal of said fund held in trust by him for the benefit of Patience Blodgett, Patty Jefferson, and Elizabeth Brown, during the lives of said persons, in such proportion and in such sums as said court shall approve; and upon the decease of the last survivor of them, the said court shall order the distribution of any residue of said fund equally among the lawful children of said persons, *per capita*, living at the time of the decease of said last survivor; and the order of distribution of said court, upon such reasonable notice as it may direct, among the said known lawful children, shall bar all parties claiming thereafter to be interested in said residue; and the said probate court shall have the same power to appoint and remove guardians, and otherwise to administer the said fund, as it now has in the case of other trusts within its jurisdiction.

Guardian to render account to probate court.

— may expend principal and income of fund with approval of court.

Court to administer fund as in case of other trusts.

Approved May 12, 1871.

AN ACT TO AUTHORIZE THE CONSTRUCTION OF DAMS ACROSS NORTH RIVER IN PLYMOUTH COUNTY.

Chap. 287

Be it enacted, &c., as follows :

SECTION 1. The several proprietors of the marshes on North River, in the county of Plymouth, are hereby authorized to drain said marshes by sluice-dams, dikes or other obstructions across said river, in the same manner as if the same had never been navigable, subject to the provisions of section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six.

May drain marshes.

SECTION 2. The provisions of chapter one hundred and forty-eight of the General Statutes shall apply to said marshes and river, and the improvement thereof: *provided*, that upon the closing of said river with dam and flood-gates at White's Ferry, said proprietors shall erect and maintain

Provisions of G. S. 148 to apply.
Proviso.

a dam or other suitable structure at or below a point formerly known as Waterman and Barstow's ship-yard, and to construct the same in such manner that the water above said dam shall at no time be allowed to fall more than eight inches below the banks of the river above North River bridge so long as the dam at White's Ferry shall be maintained.

Commissioners may construct dikes as a protection from the sea.

SECTION 3. Such commissioners shall have authority, subject to the provisions of sections fourteen, fifteen and sixteen of chapter one hundred and forty-eight of the General Statutes, to construct on the shore between said North River marshes and the sea, dikes which may be maintained as a protection for said marshes from the sea.

Fish-ways in dams.

SECTION 4. It shall be the duty of said commissioners to construct fish-ways in said dams in the manner approved by the fish commissioners of the Commonwealth.

SECTION 5. This act shall take effect upon its passage.

Approved May 12, 1871.

Chap. 288 AN ACT TO INCORPORATE THE PLYMOUTH AND SANDWICH RAILROAD COMPANY.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Albert Mason, Charles G. Davis, Eleazer C. Sherman, William H. Nelson and George F. Andrews, their associates and successors, are hereby made a corporation by the name of the Plymouth and Sandwich Railroad Company; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the general laws which now are or hereafter may be in force relating to railroad corporations.

May construct railroad from Plymouth to Sandwich.

SECTION 2. Said corporation may locate, construct, maintain and operate a railroad, with one or more tracks, from a point in the town of Plymouth, at or near the terminus of the Old Colony and Newport Railway Company, thence through the towns of Plymouth and Sandwich in a southerly direction, to a convenient point of junction with the Cape Cod Railroad in said last named town.

May unite with O. C. and N., Cape C. and Plymouth, and Vineyard Sound Railroad.

SECTION 3. Said corporation may enter with its road upon, unite the same with, and use the railroad of the Old Colony and Newport Railway Company, the Cape Cod Railroad Company, and the Plymouth and Vineyard Sound Railroad Company, and either of the three last named corporations may enter with its road upon, unite the same with, and use the railroad of the corporation hereby created, subject to the provisions of the general laws.

SECTION 4. Said corporation may lease its railroad, franchise and other property to either of the corporations named in the preceding section, upon such terms as may be agreed by the directors of the contracting corporations, and approved by a majority of the votes at meetings of the stockholders of each corporation called for that purpose. May lease road.

SECTION 5. The capital stock of said corporation shall not be less than two hundred thousand dollars, nor more than three hundred and sixty thousand dollars, divided into shares of one hundred dollars each. Capital stock and shares.

SECTION 6. The Old Colony and Newport Railway Company, or the Cape Cod Railway Company, are hereby authorized to take stock in the Plymouth and Sandwich Railroad Company to an amount not exceeding one-third of the capital stock of the Plymouth and Sandwich Railroad Company. O. C. and N. and Cape C. Railroads may take stock in road.

SECTION 7. This act shall be void unless said railroad is located and constructed within two years after the passage of this act. Location and construction.

SECTION 8. This act shall take effect upon its passage.

Approved May 12, 1871.

AN ACT TO INCORPORATE THE SPRINGFIELD AND ATHOL RAILROAD COMPANY.

Chap. 289

Be it enacted, &c., as follows:

SECTION 1. Abner B. Abbe, Henry W. Phelps, Ezekiel Blake, their associates and successors, are hereby made a corporation by the name of the Springfield and Athol Railroad Company; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the general laws which now are or hereafter may be in force applicable to railroad corporations. Corporators.

SECTION 2. Said corporation may locate, construct, maintain and operate a railroad, with one or more tracks, commencing at a point on the Connecticut River Railroad near the station in the village of Chicopee Falls, in the town of Chicopee, and passing through any or all of the towns of Chicopee, Springfield, Ludlow, Belchertown or Palmer, to a point on the Athol and Enfield Railroad in the town of Belchertown or Palmer, with the right to cross the New London and Northern Railroad at grade, and to connect therewith at some point within a mile and a quarter of Barrett's station. Powers and duties.

SECTION 3. Said corporation may enter with its road upon, unite the same with, and use the railroads of the Connecticut River Railroad Company, and the Athol and Enfield Railroad Company, and said last named companies may enter Railroad from Chicopee Falls to connect with New London and Northern Railroad.

May unite with Conn. River and Athol and Enfield Railroads.

with their railroads upon, unite the same with, and use the railroad of the corporation hereby created, subject to the provisions of the general laws.

Capital stock
and shares.

SECTION 4. The capital stock of said corporation shall not be less than two hundred thousand dollars, nor more than four hundred thousand dollars, divided into shares of one hundred dollars each.

May lease road.

SECTION 5. Said corporation may lease its road, franchise and other property to the Connecticut River Railroad Company or to the Athol and Enfield Railroad Company, upon such terms as may be agreed upon by the directors of the contracting corporations and approved by a majority in value of the stockholders of each company, at legal meetings called for that purpose.

Roads may
unite and be-
come one cor-
poration.

SECTION 6. The Athol and Enfield Railroad Company, and the Springfield and Athol Railroad Company may unite and become one corporation, to be entitled the Springfield and Athol Railroad Company, upon such terms, not inconsistent with their several charters or the laws of the Commonwealth, as a majority in value of the stockholders of each may approve at legal meetings to be called for that purpose.

Location and
construction.

SECTION 7. This act shall take effect upon its passage, and shall be void unless said railroad is located and constructed within two years from the passage of this act.

Approved May 12, 1871.

Chap. 290

AN ACT TO INCORPORATE THE KONKAPOT VALLEY RAILROAD COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. John Carroll, Archibald Taft, Noah Gibson, their associates and successors, are hereby made a corporation by the name of the Konkapot Valley Railroad Company; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the general laws which now are or hereafter may be in force applicable to railroad corporations.

Railroad from
New Marl-
borough to Con-
necticut line.

SECTION 2. Said corporation may locate, construct, maintain and operate a railroad, with one or more tracks, from some convenient point in or near the village of Mill River, in the town of New Marlborough, thence running southerly along the valley of the Konkapot river, through said town, to the line of the state of Connecticut.

Capital stock
and shares.

SECTION 3. The capital stock of said corporation shall not exceed one hundred and fifty thousand dollars, nor be less than fifty thousand dollars, divided into shares of one hundred dollars each.

SECTION 4. This act shall take effect upon its passage, and shall be void unless said railroad is located within two years, and constructed within four years after the passage hereof.

Location and construction.

Approved May 12, 1871.

AN ACT TO INCORPORATE THE HOLYOKE AND BELCHERTOWN RAILROAD COMPANY.

Chap. 291

Be it enacted, &c., as follows :

SECTION 1. Joseph Carew, Edwin Chase, C. C. Aldrich, their associates and successors, are hereby made a corporation by the name of the Holyoke and Belchertown Railroad Company ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the general laws which now are or hereafter may be in force relating to railroad corporations.

Corporators.

Powers and duties.

SECTION 2. Said corporation may locate, construct, maintain and operate a railroad, with one or more tracks, from a point in the town of Holyoke, by some convenient route through said town and the towns of South Hadley, Granby, and Belchertown, to a point on the line of the Massachusetts Central Railroad Company in said last named town. Said railroad shall not cross the railroad of the Connecticut River Railroad Company, except by passing over or under the same, and if over the same, so as to leave a clear space of eighteen feet above the tracks thereof.

Railroad from Holyoke to Belchertown.

SECTION 3. Said corporation may enter with its railroad upon, unite the same with, and use the railroads of the Connecticut River Railroad Company, the Holyoke and Westfield Railroad Company, the New London and Northern Railroad Company, and the Massachusetts Central Railroad Company, or either of them ; and either of said companies may enter with its railroad upon, unite the same with and use the railroad of the corporation hereby created, subject to the provisions of the general laws.

May enter upon and unite with Conn. River Railroad and other roads.

SECTION 4. Said corporation may lease its railroad, franchise and other property, to either of the corporations named in the preceding section, upon terms agreed by the directors and approved by a majority of the votes at meetings of the stockholders of each of the contracting corporations called for that purpose.

May lease road.

SECTION 5. The capital stock of said corporation shall not be less than two hundred and fifty thousand dollars, nor more than five hundred thousand dollars, divided into shares of one hundred dollars each.

Capital stock and shares.

SECTION 6. The town of Holyoke may subscribe for and hold the stock or securities of said corporation, subject to

Holyoke may hold stock and securities of corporation.

the provisions of the general laws, notwithstanding said town at the time of the subscription may have twelve thousand or more inhabitants.

Location and construction.

SECTION 7. This act shall be void unless said railroad is located within two years and constructed within four years after its passage.

SECTION 8. This act shall take effect upon its passage.

Approved May 12, 1871.

Chap. 292

AN ACT TO CHANGE THE NAME OF THE DEDHAM GAS LIGHT COMPANY.

Be it enacted, &c., as follows :

Name changed to Dedham and Hyde Park Gas Company.

SECTION 1. The Dedham Gas Light Company shall hereafter be called and known as the Dedham and Hyde Park Gas Company.

SECTION 2. This act shall take effect upon its passage.

Approved May 12, 1871.

Chap. 293

AN ACT TO LIMIT THE TIME FOR CATCHING ALEWIVES.

Be it enacted, &c., as follows :

Amendment to 1869, 384, § 29.

Section twenty-nine of chapter three hundred and eighty-four of the acts of the year eighteen hundred and sixty-nine, is hereby amended by inserting after the word "shad" the words "or alewives," and also by adding after the word "dollars" the words "and for each alewife twenty-five cents."

Approved May 15, 1871.

Chap. 294

AN ACT TO PROVIDE FOR ESTABLISHING THE BOUNDARY LINES OF THE STATE PRISON LANDS.

Be it enacted, &c., as follows :

Commissioners to be appointed by S. J. C. to determine boundary lines of State prison lands.

SECTION 1. The supreme judicial court in and for the county of Middlesex, shall, upon the application of any party interested, and after due notice to the attorney-general of the Commonwealth, and to all persons interested, appoint a board of three commissioners, who shall, after having been sworn to the faithful performance of their duties, hear the parties, and ascertain and determine the boundary lines between the land and flats of the state, occupied by and adjoining the state prison at Charlestown, and the lands and flats of the adjoining proprietors.

Report to be made to court and upon acceptance to be binding upon all parties to proceedings.

SECTION 2. The said commissioners shall make report in writing to said court of their doings and adjudications, and the same upon being accepted by said court and recorded as herein provided, shall be final and binding on the Commonwealth and all others who are made parties to such proceedings, their heirs and assigns, and said lines shall be established as therein determined. Upon the acceptance of their report they shall cause a certified copy thereof, and of the

judgment of the court thereon, to be recorded in the southern district registry of deeds in said county.

SECTION 3. All matters and things provided in this act to be done by or in said court, may be done by any justice of said court, as well in vacation as in term time. The court or any justice thereof may accept said report, or recommit such report to the same or other commissioners, and may give directions as to all proceedings before the commissioners. The expenses of executing this act (to be taxed by the commissioners, subject to the approval of the court), shall be paid, one-half by the Commonwealth and the other half by the other parties to such proceedings, in such proportions as shall be prescribed by the commissioners.

Court may act in vacation as well as term time.

Expenses.

SECTION 4. This act shall take effect upon its passage.

Approved May 15, 1871.

AN ACT TO REVIVE THE WAREHAM BANK FOR CERTAIN PURPOSES. *Chap. 295*

Be it enacted, &c., as follows :

SECTION 1. The existence of the corporation heretofore known as the President, Directors and Company of the Wareham Bank, located in Wareham, is hereby revived and continued for the purpose of enabling the directors of said bank, at the time when the same became an association for carrying on the business of banking under the laws of the United States, or a majority of said directors, to convey, assign and transfer to the National Bank of Wareham, its successors and assigns, any real estate and promissory note or notes, and mortgage or mortgages, or interests legal or equitable therein of said Wareham Bank, and for no other purpose whatsoever.

Charter revived to enable directors to convey real estate.

SECTION 2. This act shall take effect upon its passage.

Approved May 15, 1871.

AN ACT TO CHANGE THE NAME OF THE CAMBRIDGE ATHENÆUM. *Chap. 296*

Be it enacted, &c., as follows :

SECTION 1. The name of The Cambridge Athenæum, a corporation established by chapter nine of the acts of the present year, is hereby changed to that of The Union Hall Association, and said corporation shall hereafter be known by, and act under, said name ; and no liabilities of said corporation shall be affected by such change of name.

Name changed to The Union Hall Association.

SECTION 2. This act shall take effect upon its passage.

Approved May 15, 1871.

Chap. 297

AN ACT RELATING TO INSURANCE COMPANIES.

Be it enacted, &c., as follows :

Financial condition of insurance companies in the State to be examined once in three years.

SECTION 1. It shall be the duty of the insurance commissioner, by himself or his deputy, at least once in three years, and whenever he deems it necessary for the protection of policy-holders, to visit each insurance company incorporated in this Commonwealth, and thoroughly examine its financial condition and ability to fulfil its obligations, and ascertain whether it has complied with all the provisions of law applicable to the company and its transactions.

Insurance companies of other States doing business in this State.

SECTION 2. He shall in like manner, whenever he deems it necessary for the protection of policy-holders in this Commonwealth, visit and examine, as aforesaid, any insurance company not incorporated in this state and doing business by agencies therein. He may employ such assistants as are necessary in making the examination ; and all the expenses of an examination without the Commonwealth shall be borne by the company examined.

Expenses of examination to be borne by company examined.

Commissioner to have free access to books, &c., and may examine officers under oath.

SECTION 3. For the purposes aforesaid, the commissioner or his deputy shall have free access to all the books and papers of any insurance company doing business in this Commonwealth, and may examine under oath its officers or agents relative to its business and condition. If any company not incorporated in this state, its officers or agents, refuse to submit to such examination or to comply with any provisions of this act in relation thereto, the authority of such company to do business in this Commonwealth shall cease.

Commissioner may publish the result of examination.

SECTION 4. Whenever he deems it expedient, the commissioner shall publish in the newspaper in which the general laws are published the result of any examination made as aforesaid. If it appears to the commissioner upon such examination that any company not incorporated in this state is in an unsound condition, or if the company refuses to submit to an examination as aforesaid, he shall revoke all certificates of authority granted in behalf of such company or its agents, and shall cause notice thereof to be published in the newspaper aforesaid, and all new business thereafter done by the company or its agents in this Commonwealth shall be deemed to be done in violation of law.

If company refuse to be examined, certificate may be revoked.

Insurance companies not to issue policies until authorized by commissioner.

SECTION 5. No insurance company or association incorporated or formed in this Commonwealth shall issue policies until, upon examination by the insurance commissioner or his deputy, it is found to have complied with the laws thereof ; nor until a certificate is obtained from said commis-

sioner setting forth such fact and authorizing such company to issue policies. Every such company or association shall pay into the treasury of the Commonwealth for the examination required by this section, the sum of thirty dollars.

Fee for examination.

SECTION 6. For such additional assistance as the insurance commissioner may find necessary in the discharge of the duties imposed by this act and by existing laws, he may appoint, with the approval of the governor and council, and subject to removal with their consent, a deputy commissioner, who shall receive an annual salary of three thousand dollars; and he may also employ such additional clerical assistance as may be required in connection with the fire and marine department, at an expenditure not exceeding fifteen hundred dollars per annum.

Deputy-commissioner and additional clerical assistance.

SECTION 7. The provisions of all general laws relating to the taxation of insurance companies incorporated in this Commonwealth, are hereby extended to all companies, associations and individuals formed or associated and engaged in any kind of insurance business therein, involving indemnity or guarantee against fire and marine losses or losses by lightning or otherwise, whether incorporated or not; and such companies, associations and individuals, and their officers and agents, shall be subject to the same duties, obligations and penalties, and the insurance commissioner shall have the same powers and duties in relation thereto, as are or may hereafter be provided by the general laws in regard to insurance companies incorporated in this state.

Provisions relating to taxation, &c., extended to unincorporated companies.

SECTION 8. Whoever acts or aids in any manner in negotiating contracts of re-insurance, or placing such risks, or effecting such insurance, for any party other than himself, receiving compensation therefor, shall be deemed to be an insurance broker, within the meaning of section one of chapter ninety-three of the acts of the year eighteen hundred and sixty-nine.

Insurance broker.

SECTION 9. The provisions of section eight of chapter fifty-eight of the General Statutes are hereby so amended, that the report therein required to be made to the secretary of the Commonwealth, relative to violations of law by an insurance company, its officers or agents, may be made directly to the attorney-general.

Reports relative to violations of law by insurance company to be made to attorney-general.

SECTION 10. The provisions of section seventy of chapter fifty-eight of the General Statutes, relating to taxes, penalties and obligations imposed by the laws of any other state upon insurance companies incorporated or organized under the laws of this state and transacting business in such other state, or upon the agents of such insurance companies, shall

Provisions of G. S. 58, § 70, to include fees for certificates of license.

be held to include fees charged for certificates of license issued to insurance agents or brokers.

SECTION 11. This act shall take effect upon its passage.

Approved May 17, 1871.

Chap. 298

AN ACT TO ABOLISH THE HIGHWAY TAX.

Be it enacted, &c., as follows :

Laws repealed authorizing highway taxes, to be paid in labor and materials.

SECTION 1. All laws which direct and authorize towns to vote sums for the repairs of highways and town ways, to be paid in labor and materials, and which provide for the assessment and collection thereof, are hereby repealed.

Taxes for making and repairing ways to be assessed and collected like other town taxes.

SECTION 2. Towns shall vote to raise such sums of money as are necessary for making and repairing highways and town ways, and order that the same be assessed upon the polls and estates of the inhabitants, residents and non-residents, as other town charges are assessed, and the same shall be collected as other town taxes are collected.

Taxes already voted may be collected.

SECTION 3. Nothing in this act shall be held to prevent the officers of any town from assessing and collecting any tax payable in labor and materials which has been voted by any town previous to the passage of this act.

SECTION 4. This act shall take effect upon its passage.

Approved May 17, 1871.

Chap. 299

AN ACT RELATING TO THE PAYMENT OF STATE AID TO SOLDIERS AND SAILORS, AND THE FAMILIES OF THE SLAIN.

Be it enacted, &c., as follows :

State aid continued under 1870, 339.

State aid may be continued to any person under chapter three hundred and thirty-nine, of the acts of the year eighteen hundred and seventy, who, being otherwise entitled thereto, was or shall be at the time of making application therefor, a resident of the Commonwealth.

Approved May 17, 1871.

Chap. 300

AN ACT RELATING TO DEAF MUTES.

Be it enacted, &c., as follows :

Deaf mutes not to be withdrawn from school without consent of governor, &c.

SECTION 1. No beneficiary of this Commonwealth in any institution or school for the education of deaf mutes shall be withdrawn therefrom except with the consent of the proper authorities of such institution or school, or of the governor of this Commonwealth.

SECTION 2. This act shall take effect upon its passage.

Approved May 17, 1871.

AN ACT CONCERNING THE SALARIES OF OFFICERS OF THE STATE PRISON.

Chap. 301

Be it enacted, §c., as follows :

SECTION 1. The following named officers of the state prison shall receive the following annual salaries, viz.: the warden thirty-five hundred dollars; the clerk two thousand dollars; each turnkey eleven hundred dollars; each watchman one thousand dollars; and each assistant watchman eight hundred dollars.

Salaries of officers in state prison.

SECTION 2. This act shall take effect upon its passage.

Approved May 17, 1871.

AN ACT TO INCREASE THE EXPENDITURES AND COMPENSATION OF THE AGENT FOR DISCHARGED CONVICTS.

Chap. 302

Be it enacted, §c., as follows :

SECTION 1. The agent for discharged convicts is hereby authorized to expend two thousand dollars annually for the purposes specified in section sixty-six of chapter one hundred and seventy-nine of the General Statutes; and the annual compensation of said agent shall be one thousand dollars, said increase of expenditure and compensation to commence on the first of July of the present year.

Salary and expenditures increased.

SECTION 2. The salary of said agent, and properly vouched expenditures made by him shall be paid monthly.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved May 17, 1871.

AN ACT FOR THE IMPROVEMENT OF GREEN HARBOR MARSH IN THE TOWN OF MARSHFIELD, AND FOR OTHER PURPOSES.

Chap. 303

Be it enacted, §c., as follows :

SECTION 1. The proprietors of Green Harbor marsh, in the town of Marshfield, are authorized to erect a dam and dikes across Green Harbor river, at or near and not above Turkey Point, so called, with one or more sluice-ways and gates, for the purpose of draining Green Harbor marsh, and improving the same, and preventing flowage from the sea; said dam, dikes and improvements to be made under the authority of commissioners to be appointed in the manner provided in the one hundred and forty-eighth chapter of the General Statutes, with all the powers and subject to all the duties required or allowed by said chapter: *provided*, that not more than twenty of the proprietors shall be required to petition the superior court for the appointment of said commissioners; and it shall be the duty of said commissioners to construct fish-ways in said dam if required, and in the manner required by the commissioners of fisheries of the

Dam across Green Harbor river near Turkey Point, in Marshfield.

Proviso.

Commonwealth, and to make return of the same to said court; of all which proceedings said court shall have jurisdiction as fully as if provided in said chapter.

May manage affairs as proprietors of general fields.

SECTION 2. For the purpose of cultivating and improving said marsh, maintaining said dam, and repairing the gates, sluice-ways and other improvements, and the removal of any obstructions in the channels of said marsh, which may thereafter accumulate, and for conducting the fisheries at and about said dam which may have been introduced by them, the said proprietors may manage their affairs as proprietors of general fields, and as such shall have all the powers and be subject to all the duties and liabilities conferred and imposed on the proprietors of general fields by the sixty-seventh chapter of the General Statutes, and may include in their acts the introduction and propagation of herrings, alewives and other fishes.

County commissioners may contract with commissioners appointed by superior court for erection of bridge at joint expense of Marshfield and the county.

SECTION 3. The county commissioners of the county of Plymouth, in the execution of the powers granted them by chapter twenty-six of the laws of the year eighteen hundred and seventy, shall have authority to contract with the commissioners who may be appointed by the superior court, for the erection of a highway, bridge and dam, without a draw, at the joint expense of the town of Marshfield and the county of Plymouth, and of said proprietors, or any of them: *provided, however*, that said dam, bridge and highway, whether located separately or together, shall be subject to the provisions of section four, chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six.

Proviso.

If shoaling takes place, obstructions to be removed by the proprietors of marsh within six months after notice.

SECTION 4. Should shoaling take place above the level of mean low water in the channel of Green Harbor river, and its approaches below the dam and dikes in consequence of the construction of said dam and dikes, said shoaling shall be removed by the proprietors of Green Harbor marsh, under the direction and to the acceptance of the board of harbor commissioners. And if the proprietors of said marsh shall fail to remove said obstructions for six months after due notice from said commissioners, then said commissioners shall cause the obstructions to be removed at the expense of the proprietors of said marsh, and said proprietors shall be liable to the Commonwealth for the same in an action of contract and the non-joinder of any party or parties defendant shall not defeat the same.

Approved May 17, 1871.

AN ACT TO AUTHORIZE THE BUILDERS' MUTUAL FIRE INSURANCE COMPANY TO ISSUE POLICIES OUT OF THE COMMONWEALTH. *Chap. 304*

Be it enacted, &c., as follows :

SECTION 1. The Builders' Mutual Fire Insurance Company is hereby authorized to issue policies on property included in their first class, within the New England states. May issue policies within New England States.

SECTION 2. This act shall take effect upon its passage.

Approved May 17, 1871.

AN ACT TO AUTHORIZE THE PROPRIETORS OF THE CHURCH IN BRATTLE SQUARE TO SELL ITS MEETING-HOUSE, AND FOR OTHER PURPOSES. *Chap. 305*

Be it enacted, &c., as follows :

SECTION 1. The Proprietors of the Church in Brattle Square are hereby authorized to sell and convey by deed its land and meeting-house, situated in Brattle square, in Boston, and to use the proceeds of such sale, after paying the debts of said corporation, to build any other church edifice, or to purchase any other church property in said Boston, for the use of said corporation, as its meeting-house; and said corporation and the proprietors of pews in said meeting-house in Brattle square, at the time of such sale, shall continue thereafterwards to have all the powers and privileges which they now have, and be subject to all the duties, liabilities and restrictions to which they are now subject; and persons who, after such building or purchase, shall become proprietors of pews in any meeting-house so built or purchased, shall be members of said corporation. Proprietors may sell land and meeting-house, and purchase other church property with the proceeds.

SECTION 2. Prior to any such sale, the pews in the meeting-house now belonging to said corporation may be appraised, and the proprietors thereof, in case of such sale, may be compensated therefor in the manner provided in the thirty-fifth and thirty-sixth sections of the thirtieth chapter of the General Statutes, in the case of selling and rebuilding a meeting-house, or of taking down and rebuilding pews in any meeting-house. Pews to be appraised prior to sale.

SECTION 3. This act shall take effect upon its passage.

Approved May 17, 1871.

AN ACT TO REPEAL "AN ACT TO CHANGE THE NAME OF THE GROVER AND BAKER SEWING MACHINE COMPANY, AND FOR OTHER PURPOSES." *Chap. 306*

Be it enacted, &c., as follows :

SECTION 1. Chapter three hundred and twenty-seven of the acts of the year eighteen hundred and sixty-seven is hereby repealed. Repeal of 1867, 327.

SECTION 2. This act shall take effect upon its passage.

Approved May 17, 1871.

Chap. 307 AN ACT TO SUPPLY THE TOWN OF WOBURN WITH PURE WATER.
Be it enacted, &c., as follows :

Woburn to be supplied with pure water from Horn Pond.

SECTION 1. The town of Woburn, for the purpose of supplying the inhabitants thereof with pure water, is hereby authorized to take, hold and convey to, into and through said town, the waters of Horn Pond, so called, in Woburn, or the waters of any other pond in Woburn, and the waters which flow into the same, and any water-rights connected therewith ; and may take and hold, by purchase or otherwise, such land on and around the margin of said ponds, not exceeding five rods in width, as may be necessary for the preservation and purity of said waters, and may also take and hold in like manner, such lands in Woburn and in the town of Winchester, as may be necessary for erecting and maintaining dams and reservoirs, and for laying and maintaining conduits, pipes, drains and other works for collecting, conducting and distributing said waters through said town of Woburn. The town of Woburn shall within sixty days from the time of taking any land as aforesaid, file in the registry of deeds for the southern district of Middlesex county, a description of land so taken, sufficiently accurate for identification, and state the purpose for which it is taken.

May take and hold lands in Woburn and Winchester.

May build aqueducts, erect dams, &c.

SECTION 2. Said town of Woburn may build aqueducts and maintain the same by any works suitable therefor ; may erect and maintain dams ; may make reservoirs and hydrants, and may distribute the water throughout the town of Woburn, by laying down pipes, and may establish the rent therefor. Said town may also, for the purposes aforesaid, carry its pipes and drains over or under any water-course, street, railroad, highway or other way, in such manner as not to obstruct the same ; and may enter upon and dig up any road in such manner as to cause the least hindrance to the travel thereon.

Liability for damage.

SECTION 3. Said town of Woburn shall be liable to pay all damages that shall be sustained by any persons in their property by the taking of any land, water or water-rights, or by the constructing of any aqueducts, reservoirs or other works for the purposes aforesaid. If any person who shall sustain damages as aforesaid cannot agree with said town upon the amount thereof, he may have them assessed in the same manner as is provided by law with respect to land taken for highways.

No application to be made for assessment of damages until water is actually taken by the town.

SECTION 4. No application shall be made to the county commissioners for the assessment of damages for the taking of any water-rights, until the water is actually withdrawn or diverted by said town. Any person whose water-rights are

thus taken or affected, may apply as aforesaid, at any time within one year from the time when the water is actually withdrawn or diverted.

SECTION 5. Three commissioners chosen by the town shall execute, superintend and direct the performance of all the works, matters and things mentioned in the preceding sections, and not otherwise herein specifically provided for, subject, however, to such rules, regulations and by-laws as the said town may ordain or establish, not repugnant to the provisions of law. They shall respectively hold office for the term of three years next after their election, but may however be removed by vote of the town. Vacancies in the board of commissioners may be filled by an election of another commissioner for the unexpired term. A majority of said board shall be a quorum for the exercise of the powers, and the performance of the duties of said office; they shall once in six months, and whenever required by the town, render a particular report in writing of all their doings, and of the condition and progress of said works. The town shall fix the salaries of said commissioners before their election, which shall not be reduced during their continuance in office.

Commissioners to be chosen to have charge of works, &c.

Term of office. Vacancies in board.

Salaries to be fixed before election, and not to be reduced during continuance in office. "Woburn Water Scrip" may be issued not exceeding \$200,000.

SECTION 6. For the purpose of defraying the cost and expenses which may be incurred under the provisions of this act, the town of Woburn, through its treasurer, shall have authority to issue from time to time, notes, scrip or certificates of debt, to be denominated on the face thereof, "Woburn Water Scrip," to an amount not exceeding two hundred thousand dollars, bearing interest at a rate not exceeding seven per centum per annum, payable semi-annually; the principal shall be payable at periods not more than twenty years from the issuing of said notes, scrip or certificates respectively. Said treasurer under the authority of said town of Woburn, may sell the same or any part thereof, from time to time, or pledge the same for money borrowed for the purposes aforesaid on such terms and conditions as he may deem proper. Said town of Woburn is further authorized to make appropriations and assess from time to time such amounts, not exceeding in one year the sum of ten thousand dollars, towards payment of the principal of the money so borrowed, and also a sum sufficient to pay the interest thereof, in the same manner as money is assessed and appropriated for other town purposes.

SECTION 7. The town of Woburn shall establish or may authorize the said board of commissioners or the board of selectmen of said town to establish such price or rent for the

Price of water to be so fixed as to pay interest and one per

cent. of principal of water loan.	use of the water as to provide annually, if practicable, from the net income and receipts therefor, for the payment of the interest, and not less than one per centum of the principal of the water loan, and shall determine the manner of collecting it.
Sinking fund.	The net surplus income and receipts, after deducting all expenses and charges of distribution, shall be set apart as a sinking fund, and applied solely to the payment of the principal of said loan, until the same is fully paid and discharged.
Occupant of tenement to be liable for use of water.	SECTION 8. The occupant of any tenement shall be liable for the payment of the rent for the use of the water in such tenement; and the owner shall also be liable, if on being notified of such use, he does not object thereto.
Penalty for unlawfully using or maliciously diverting water or rendering the same impure.	SECTION 9. If any person shall use any of said water either within or without said town of Woburn, without the consent of said town, or shall wantonly or maliciously divert the water or any part thereof, of any of the ponds, streams, springs, or sources of water, taken or held by said town of Woburn, pursuant to the provisions of this act, or corrupts the same, or renders it impure, or destroys or injures any dam, aqueduct, pipe, conduit, hydrant, machinery or other works or property held, owned, or used by said town of Woburn under the authority of and for the purposes of this act, he shall forfeit and pay to said town three times the amount of damages assessed therefor, to be recovered in an action of tort; and on conviction of either of the wanton or malicious acts aforesaid may be also punished by fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year: <i>provided</i> , that nothing herein contained shall be construed to prevent persons from cutting and securing ice on said ponds in the manner heretofore practised.
Proviso.	
Inhabitants of Winchester may take the water upon payment of proper rates.	SECTION 10. The inhabitants of the town of Winchester may take water from the pipes or reservoir of said town of Woburn under the provisions of chapter ninety-three of the acts of the year eighteen hundred and seventy, and in such case shall pay proper rents and rates therefor; and in case of a failure to agree upon proper rents and rates, the same shall be fixed by one or more commissioners, to be appointed by the supreme judicial court, upon the application of either party; the expense of such proceeding to be equally shared by the two towns. If the said town of Winchester shall vote to take water as aforesaid, then the said town of Winchester shall have all the power herein granted to the town of Woburn, to lay and maintain conduits, pipes and drains, to make reservoirs and hydrants, and to enter upon and dig up roads in said town of Winchester for conducting and distributing said waters through the town of Winchester.

SECTION 11. The city of Charlestown and the town of Woburn, or either of them, shall have power to erect and maintain a dam at or near the outlet of Horn Pond, and raise the waters of that pond as high as the party erecting such dam may judge necessary for the purposes of this act, and in order to furnish a more permanent supply of water for the purposes set forth in chapter one hundred and five of the acts of the year eighteen hundred and sixty-one, and of the acts in addition thereto; the waters of said dam, however, not to exceed a level of six feet above the present high-water mark of said pond. All damages sustained by the erection of said dam are to be recovered against the town or city erecting said dam. The town of Woburn and the city of Charlestown are authorized to enter into any agreement, to divide between them, in such proportion as may be agreed upon, the cost of erecting and maintaining said dam and the damages occasioned thereby: *provided, however*, if said city of Charlestown and said town of Woburn enter into such agreement, said damages may be recovered either against said city or said town, or against both of them, in such manner as is provided in this act, or in chapter one hundred and five of the acts of the year eighteen hundred and sixty-one, and in the several acts passed in addition thereto. And *provided, further*, that if such dam shall be wholly erected by said town, or said city, the town or city so erecting the same shall have the exclusive regulation of said dam and of the raising and lowering of the waters controlled thereby, and shall also be entitled to receive a reasonable compensation from the other town or city for any benefit derived or to be derived thereby; and in case they cannot agree as to the amount of such compensation the same may be determined by a commissioner or commissioners to be appointed by the supreme judicial court sitting in equity, and their award may be rejected or accepted and enforced by said court.

Dam may be erected near outlet of Horn Pond.

Damages.

Woburn and Charlestown may agree to divide cost of dam.

Provisos.

SECTION 12. The towns of Woburn and Winchester shall not permit any of the waters which shall be supplied for domestic, manufacturing or other purposes under this act, to run or be returned into Horn Pond, Wedge Pond, Abajonah River, Mystic Lake, or into any of the tributaries of any of them, by any drain or sewer constructed for the purpose.

Waters supplied for domestic or other purposes not to be returned to pond by sewers, &c.

SECTION 13. This act shall be void unless accepted by a majority of the legal voters of said town of Woburn, present and voting thereon, at a legal meeting held within one year from the time this act goes into effect.

Subject to acceptance by vote of town.

SECTION 14. This act shall take effect upon its passage.

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Approved May 17, 1871.

Chap. 308 AN ACT TO RELIEVE THE TOWN OF BARNSTABLE FROM PENALTIES INCURRED BY NEGLECT TO MAINTAIN A HIGH SCHOOL.

Be it enacted, &c., as follows :

Barnstable relieved from penalties for not maintaining high school.

Proviso.

The town of Barnstable is hereby relieved from the penalties named in section fourteen of chapter thirty-eight of the General Statutes, for having heretofore neglected to maintain such a high school as it is required to maintain by section two of said chapter: *provided*, that said town shall hereafter maintain such a high school.

Approved May 17, 1871.

Chap. 309 AN ACT TO INCORPORATE THE UNION AQUEDUCT COMPANY IN LANCASTER.

Be it enacted, &c., as follows :

Lancaster to be supplied with pure water.

Proviso.

SECTION 1. Nathaniel Thayer, Francis B. Fay, Lucius L. Farwell, their associates and successors, are hereby made a corporation by the name of the Union Aqueduct Company, for the purpose of furnishing the inhabitants of Lancaster with pure water; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to such corporations: *provided*, that the said corporation shall not interfere with any of the rights or privileges of the New Boston Aqueduct Company nor lay any water-pipes south of the road leading from George's hill, near the school-house, to Bolton.

Corporation may purchase water of springs, &c., and convey the same through the town.

Dams, reservoirs, &c.

Work upon public ways to be done under direction of selectmen. Liability for damages.

SECTION 2. Said corporation may purchase, hold and convey to, into or through any of the villages of said town the water of any spring or springs, natural pond, brook or brooks in said town, and may purchase any real estate necessary for the preservation and purity of the same and for laying and maintaining said aqueduct, distributing water, forming dams and reservoirs, and may lay its water-pipes through any private lands, with the right to enter upon and dig up the same for all necessary repairs, and for the purposes aforesaid may carry its pipes under any water-course, railroad, street, highway or other way, in such manner as not to obstruct the same: *provided*, that all work done upon any public way shall be done under the direction of the selectmen of said Lancaster.

SECTION 3. Said corporation shall be liable to pay all damages that shall be sustained by any person or corporation in their property by the laying or repairing of said water-pipes. If any person or corporation who shall suffer damage as aforesaid cannot agree with said corporation upon the amount of said damages, the same shall be ascertained, deter-

mined and recovered in the same manner as is provided by law with respect to land taken for highways.

SECTION 4. The capital stock of said corporation shall not exceed ten thousand dollars, to be divided into shares of one hundred dollars each, and no liability shall be incurred by said corporation until twenty-five per cent. of its capital stock has been paid in in cash.

Capital stock and shares.

SECTION 5. Any person who shall maliciously corrupt or render impure the water or any part thereof, or who shall maliciously destroy or injure any dam or reservoir, aqueduct, pipe or hydrant or other property held, owned or used by the said corporation for the purposes of this act, shall pay three times the amount of actual damage to the said corporation, to be recovered in an action of tort; and every such person upon conviction of either of the acts aforesaid, shall be punished by fine not exceeding one hundred dollars or imprisonment not exceeding three years.

Penalty for rendering water impure and maliciously diverting the same.

SECTION 6. This act shall take effect upon its passage.

Approved May 17, 1871.

AN ACT IN RELATION TO THE ADOPTION OF CHILDREN.

Be it enacted, &c., as follows :

Chap. 310

SECTION 1. Any person may petition the probate court in the county of his residence for leave to adopt a child, and if the petitioner is not an inhabitant of this state, such petition may be made to the probate court in the county where the child resides; but the prayer of such petition by a person having a husband or wife, shall not be granted unless the husband or wife joins therein.

Petition for leave to adopt a child by person not inhabitant of State to be made in county where child resides. Proviso.

SECTION 2. No decree for such adoption shall be made, except as hereinafter provided, without the written consent of the surviving parent or parents of the child, of the guardian of the child, if any, and of the child if above the age of fourteen years.

Decree not to be made without written consent of parent and of child, if above fourteen.

SECTION 3. If either parent is unknown, or adjudged hopelessly insane, or imprisoned in the state prison or a house of correction under sentence for a term not less than three years, or has wilfully deserted and neglected to provide proper care and maintenance for such child for one year next preceding the date of the petition, or suffered such child to be supported by any charitable institution incorporated by law, or as a pauper by any city or town or by the state, for more than one year continuously prior to the petition, the consent of such parent shall not be required: *provided*, the visiting agent of the board of state charities shall in writing consent to such adoption.

Consent of parent not required in certain cases, if visiting agent of board consents to adoption.

In case both parents are dead.

SECTION 4. If both parents are dead, the guardian, if any, and if there is no guardian said visiting agent and the next of kin in this state, may give such consent.

If parent does not consent, personal notice to be given of pendency of petition.

SECTION 5. Whenever the parent, if living, does not consent, the court shall order notice of the pendency of the petition by personal service on such parent of a copy of the petition and order thereon, or if such parent is not found within the state, by publication thereof once a week for three successive weeks in such newspaper or newspapers as the court shall order, the last publication to be seven days at least before the time appointed for the hearing. And in any case, the court may order such additional notice and consent as may be deemed proper.

An adult may be adopted upon his own consent.

SECTION 6. A person of adult age may be adopted in like manner upon his own consent, without other consent or notice.

Decree may be made that child, &c., shall be child of petitioner, and name changed.

SECTION 7. If satisfied of the identity and relations of the parties, and that the petitioner is of sufficient ability to bring up the child and furnish suitable nurture and education, and that it is proper such adoption should take effect, the court shall make a decree ordering that the child or person shall thereafter be to all legal intents and purposes the child of the petitioner, and may also decree such change of name as the petitioner may pray for.

Inheritance of property by an adopted child.

SECTION 8. A child or person so adopted shall be deemed for the purpose of inheritance, and all other legal consequences of the natural relation of parent and child, to be the child of the parent or parents by adoption, as if born to them in lawful wedlock, except that he shall not take property expressly limited to the heirs of the body or bodies of the parents by adoption, nor property from the lineal or collateral kindred of such parents by right of representation.

Adoption to terminate all rights, &c., between child and natural parents, except, &c.

SECTION 9. Such adoption shall terminate all the rights, obligations and legal incidents and consequences of the relation of parent and child between the child or person and his natural parents, except the right of the child or person to take property as heir or next of kin of his natural parents or kindred directly or by right of representation.

Parties aggrieved may appeal to S. J. C.

SECTION 10. Any person aggrieved by an order, denial or decree of the probate court on such petition, may appeal therefrom to the supreme judicial court in like manner as appeals may be taken from other decrees of that court; and the supreme judicial court in its discretion may allow any parent who had no personal notice of the proceedings before the decree, to appeal at any time within one year after actual notice thereof.

SECTION 11. The first ten sections of chapter one hundred and ten of the General Statutes, chapter two hundred and thirteen of the acts of eighteen hundred and sixty-four, chapter one hundred and eighty-nine of the acts of eighteen hundred and sixty-nine, chapter three hundred and seventy-one, and section two of chapter ninety-two of the acts of eighteen hundred and seventy, are hereby repealed. Repeal.

Approved May 18, 1871.

AN ACT TO CHANGE THE LOCATION OF THE EXCHANGE INSURANCE COMPANY.

Chap. 311

Be it enacted, &c., as follows :

SECTION 1. The Exchange Insurance Company, now located in Lynn, shall hereafter be located in Boston, and shall make insurance only against losses by fire.

Exchange Insurance Company of Lynn to be located in Boston.

SECTION 2. This act shall take effect upon its passage.

Approved May 20, 1871.

AN ACT CONCERNING ACTIONS OF TORT BY AND AGAINST MARRIED WOMEN.

Chap. 312

Be it enacted, &c., as follows :

SECTION 1. Any married woman may sue and be sued in actions of tort in the same manner as if she were sole, and her husband shall not be liable to pay the judgment against her for damages or costs in any such suit, but the same may be collected out of her property, real or personal; and all sums recovered by her in any such suit, shall be her sole and separate property.

A married woman may sue and be sued in actions of tort, and husband not liable for costs, &c.

SECTION 2. This act shall take effect upon its passage.

Approved May 23, 1871.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF BRISTOL COUNTY TO REMODEL OR REBUILD THE JAIL AT TAUNTON, OR ERECT A NEW ONE.

Chap. 313

Be it enacted, &c., as follows :

SECTION 1. The county commissioners of the county of Bristol are hereby authorized and required to remodel or rebuild the present jail or erect a new jail at Taunton, and have the same completed within one year from the passage of this act.

Commissioners may build jail in Taunton.

SECTION 2. They are hereby authorized to sell and convey the whole or any portion of the present jail lot, and buildings thereon, as they may deem expedient, and purchase a new lot for a jail; and they are hereby authorized to borrow on the credit of the county, for the purposes of this act, a sum of money not exceeding fifty thousand dollars.

May sell jail lot and purchase new.

SECTION 3. This act shall take effect upon its passage.

Approved May 23, 1871.

Chap. 314 AN ACT TO INCREASE THE SALARIES OF THE CLERKS OF THE POLICE COURTS OF HAVERHILL AND OF FALL RIVER.

Be it enacted, &c., as follows :

Salaries of clerks of police courts of Haverhill and Fall River.

SECTION 1. The clerk of the police court of Haverhill shall hereafter receive an annual salary of eight hundred dollars ; and the clerk of the police court of the city of Fall River shall hereafter receive an annual salary of one thousand dollars.

SECTION 2. This act shall take effect on the first day of July next.

Approved May 23, 1871.

Chap. 315 AN ACT CONCERNING APPEALS IN CIVIL ACTIONS BEFORE THE MUNICIPAL COURT OF THE CITY OF BOSTON.

Be it enacted, &c., as follows :

Appellant to file bond to adverse party to prosecute his appeal and pay costs.

SECTION 1. In any civil action or proceeding before the municipal court of the city of Boston, except such as may be commenced under the one hundred and thirty-seventh chapter of the General Statutes, in which a party claims an appeal within the time required by law, such appellant, in lieu of recognizing to prosecute such appeal, shall, within twenty-four hours after the entry of judgment, file a bond with sufficient surety or sureties to the adverse party, if required by him, in a reasonable sum, with condition to prosecute his appeal with effect, and to pay all such costs as may arise after the appeal.

Amendment to G. S. 137, § 9.

SECTION 2. The ninth section of the one hundred and thirty-seventh chapter of the General Statutes, so far as it applies to the municipal court of the city of Boston, is hereby amended by striking out the word "recognize" and inserting in the place thereof the words give bond, and by striking out the word "recognizance" and inserting in the place thereof the word bond.

Sufficiency of sureties and bond to be determined by a justice.

SECTION 3. The sufficiency of the surety or sureties and the amount of the bond shall be determined, in term time or vacation, by any justice of the said municipal court, or by the clerk thereof, according to such general rules as the court may from time to time establish ; and such justice or clerk may examine on oath, to be administered by either of them, the persons offered as sureties, as to their sufficiency.

Approved May 23, 1871.

Chap. 316 AN ACT IN ADDITION TO AN ACT TO PREVENT THE OBSTRUCTION OF HIGHWAYS BY RAILROAD CORPORATIONS.

Be it enacted, &c., as follows :

Construction of word "highway," 1871, 83.

SECTION 1. The word "highway," wherever it occurs in chapter eighty-three of the acts of the year eighteen hundred

and seventy-one, shall be construed to include town ways and streets.

SECTION 2. This act shall take effect upon its passage.

Approved May 23, 1871.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE TOWN OF
AYER.

Chap. 317

Be it enacted, &c., as follows :

SECTION 1. The inhabitants of that portion of the territory taken from Groton, in the town of Ayer, may vote in said territory for representatives to the general court; and the clerk of the town of Ayer shall make returns and meet with the clerks of Groton and Pepperell, for the purpose of ascertaining the result of the election of representatives for the thirty-first representative district, and making certificates of the same, at the time and place now provided by law for said meeting; and all parts of said act of incorporation inconsistent herewith are hereby repealed.

Voting for representatives by inhabitants of territory taken from Groton.

SECTION 2. This act shall take effect upon its passage.

Approved May 23, 1871.

AN ACT TO AUTHORIZE THE PRESIDENT AND FELLOWS OF HARVARD COLLEGE TO EXTEND THEIR WHARF IN CAMBRIDGE.

Chap. 318

Be it enacted, &c., as follows :

SECTION 1. License is hereby given to the President and Fellows of Harvard College to extend their wharf on Charles river in Cambridge, in a westerly direction up the course of said river, about one hundred feet, subject to the provisions of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six, and the first three sections of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

Harvard College may extend wharf in Cambridge.

SECTION 2. This act shall take effect upon its passage.

Approved May 23, 1871.

AN ACT TO ENABLE THE CITY OF NEWBURYPORT AND THE TOWNS OF AMESBURY AND SALISBURY TO TAKE STOCK IN THE NEWBURYPORT AND AMESBURY HORSE RAILROAD COMPANY.

Chap. 319

Be it enacted, &c., as follows :

SECTION 1. The city of Newburyport is hereby authorized to subscribe for and hold shares in the capital stock of the Newburyport and Amesbury Horse Railroad Company to an amount not exceeding twenty-five thousand dollars, and the towns of Amesbury and Salisbury each to an amount not exceeding ten thousand dollars, and to pay for the same out of the treasury of said city and towns respectively, and to hold the same as city and town property, subject to the disposition of the said city and towns respectively, for pub-

Newburyport, Amesbury and Salisbury may take stock in horse railroad.

Proviso.

lic purposes, in like manner as any other property which they may possess respectively: *provided*, that two-thirds of the legal voters of said city and towns respectively, who may be present and voting thereon, shall vote so to do at any legal meetings called for that purpose by the mayor and aldermen of said city, and the selectmen of said towns respectively, within one year from the passage of this act.

May raise money by loan or taxation.

SECTION 2. Said city and towns respectively are hereby authorized to raise by loan or tax any sum of money which shall be required to pay their respective instalments on their respective subscription to said stock and the interest thereon respectively.

Mayor and selectmen to subscribe for stock and vote for directors, &c., in company meetings.

SECTION 3. The said city of Newburyport, by its mayor for the time being, and the selectmen of the towns of Amesbury and Salisbury, respectively for the time being, shall subscribe, in behalf of the said city and towns respectively, for such number of shares in the capital stock of said company as shall be voted by said city and towns respectively, and the said mayor and said selectmen respectively are hereby authorized to cast the vote of the said city and towns respectively in the choice of the directors of said company, and to appear and act in behalf of said city and towns respectively in the transaction of any business of said company, so long as said city or towns or either of them shall hold shares in said corporation.

SECTION 4. This act shall take effect upon its passage.

Approved May 23, 1871.

Chap. 320

AN ACT FOR THE PRESERVATION OF DEER.

Be it enacted, &c., as follows :

Penalty for hunting deer in Plymouth and Barnstable counties.

SECTION 1. Whoever at any time of the year hunts, chases or kills, with dogs, any deer within the counties of Plymouth or Barnstable, shall forfeit for every such offence one hundred dollars. And any person may kill any dog found chasing or hunting deer in said counties.

SECTION 2. This act shall take effect upon its passage.

*Approved May 23, 1871. **

Chap. 321

AN ACT IN RELATION TO THE DISCHARGE OF PERSONS CONFINED AS INSANE.

Be it enacted, &c., as follows :

Person confined in State lunatic hospital may be discharged by trustees or court.

SECTION 1. Any two of the trustees of either of the state lunatic hospitals, on application in writing or of their own motion, or any judge of the supreme judicial court at any time and in any county, or the judge of the probate court for the county in which the hospital is located or of the county in which the patient had his residence at the time

of his commitment or admission, on such application, after such notice, as the said trustees or judge may deem reasonable and proper, may discharge any person confined therein if it appears that such person is not insane, or, if insane, will be sufficiently provided for by himself, his guardian, his relatives, his friends or the city or town liable for his support, or that his confinement therein is not longer necessary for the safety of the public nor his own welfare.

SECTION 2. Any two of the trustees may also remove any person confined therein to the city or town in which the judge or court committing him certified that he resided at the time of the confinement, or to the place of his known lawful settlement, when in their opinion he ceases to be dangerous and is not susceptible of mental improvement at the hospital, if such city or town does not remove him after reasonable notice in writing.

If not dangerous or capable of improvement may be removed to town of residence.

SECTION 3. Any person may, in writing, make application to a judge of the supreme judicial court at any time and in any county, setting forth that he believes or has reason to believe that a person therein named is confined as an insane person in a lunatic hospital or other place, whether public or private, and ought not longer to be so confined, stating also the names of all persons supposed to be interested in keeping him in confinement, and requesting his discharge.

Application to S. J. C. when person is improperly confined in hospital.

SECTION 4. The judge shall, upon reasonable cause being shown for a hearing, order notice of the time and place of hearing on said application to be given to the superintendent in charge of the hospital, or place of confinement, and to such other persons as he deems proper, and such hearing when ordered shall be had as speedily as conveniently may be before the same or any other judge of the supreme judicial court in any county. The alleged insane person may be brought before the judge, at the hearing, upon a writ of habeas corpus, if any party so requests and the judge deems it proper, and an issue or issues may be framed and submitted to a jury by direction of the judge or on the request of any person who appears in the case. The jurors may be those in attendance on said court, if in session at the time of the hearing, or may be summoned for the special purpose on venires issued by the clerk of said court upon the order of the judge substantially in accordance with the provisions of chapter one hundred and thirty-two of the General Statutes.

Notice to be given to superintendent.

Issue may be framed and submitted to a jury.

SECTION 5. If it appears upon the verdict of the jury, or in the opinion of the judge, if not submitted to a jury, that

If not insane, to be discharged.

the person so confined is not insane, he shall be discharged from such confinement.

Agent of board of state charities to investigate case, upon complaint of person confined in hospital.

SECTION 6. Upon complaint of any person confined in any lunatic hospital or other place for the treatment or custody of insane persons, public or private, or of any other person in his behalf, to the general agent of the board of state charities that such person ought not longer to be so confined, the agent shall have power to investigate the case, make report thereof to said board, and if they so direct, shall make application for the discharge of the person so confined to a judge of the supreme judicial court, as provided in section three of this act; and the proceedings upon such application shall be as ordered in section four and five of this act. And any district attorney, upon request of the agent, shall aid him and conduct the proceedings in his behalf.

Repeal.

SECTION 7. Section twenty-nine of chapter seventy-three of the General Statutes, sections fourteen and fifteen of chapter two hundred and twenty-three of the acts of the year eighteen hundred and sixty-two, and sections one, two, three, four and five of chapter two hundred and eighty-eight of the acts of the year eighteen hundred and sixty-four are hereby repealed.

Approved May 23, 1871.

Chap. 322

AN ACT IN ADDITION TO "AN ACT RESPECTING THE SALE AND INVESTMENT OF ESTATES ENCUMBERED BY CONTINGENT REMAINDERS, EXECUTORY DEVICES OR POWERS OF APPOINTMENT."

Be it enacted, &c., as follows :

S. J. C. may appoint trustees of estate encumbered by contingent remainder, &c., and authorize him to mortgage estate.

SECTION 1. Whenever any real estate is encumbered by any contingent remainder, executory devise or power of appointment, the supreme judicial court may, upon petition of any party who has an estate in possession in such real estate, appoint a trustee for such estate, and authorize said trustee to mortgage the estate for such amounts, on such terms and conditions, and for such purposes as may seem to such court judicious or expedient, and shall fix the form and amount of the bond to be given by such trustee.

Notice to be given to all parties in interest.

SECTION 2. Notice of the proceedings shall be given to all persons who are or may become interested in the real estate, and to all persons whose issue, not in being, may become interested therein, as the court may order. The court shall, in all such cases, appoint a suitable person to appear and act in such proceedings as the next friend of all minors, persons not ascertained or persons not in being, who may be or may become interested in such real estate, the cost of whose appearance and services, including compensation of counsel, to be determined by the court, shall be paid as the

Next friend of minor, &c., to be appointed.

court may order, either out of the proceeds of the real estate or by the petitioners, in which latter case execution may issue in the name of such next friend. An order or decree made in any such proceedings, and a mortgage of real estate thereunder, shall be binding and conclusive.

SECTION 3. The probate court for the county in which any such encumbered estate may be situated, shall have concurrent jurisdiction with the supreme judicial court in all cases arising under this act.

Probate court to have concurrent jurisdiction.

SECTION 4. This act shall take effect upon its passage.

Approved May 23, 1871.

AN ACT TO INCORPORATE THE WOMEN'S ECONOMICAL GARDEN HOMESTEAD LEAGUE. *Chap. 323*

Be it enacted, &c., as follows :

SECTION 1. Aurora H. C. Phelps, Harriot R. Hunt, Elmira E. Gibson, their associates and successors, are hereby made a corporation under the name of the Women's Economical Garden Homestead League, to be located in the city of Boston, for the purpose of managing, adding to and administering the funds belonging to said corporation, for the benefit of working women and minors, by securing to them a liberal industrial education, and for the establishment of industrial homestead settlements in or near the several cities and towns.

Corporators.

Name and purpose.

SECTION 2. Said corporation shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to corporations for charitable, educational or religious purposes.

Powers and duties.

SECTION 3. Said corporation may invest any of the funds belonging thereto, in the stock of any coöperative association duly organized under the provisions of chapter two hundred and ninety of the acts of the year eighteen hundred and sixty-six, or of chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy; and said subscription may be to the extent of five thousand dollars in any one association.

Investment of funds.

SECTION 4. Said corporation may hold by gift, grant and purchase, real or personal estate not exceeding in value the sum of one hundred thousand dollars, but no liability shall be incurred until property of the value of five thousand dollars shall have been acquired, or cash to that amount shall have actually been paid in, for the use of the league.

Real and personal estate.

SECTION 5. This act shall take effect upon its passage.

Approved May 23, 1871.

Chap. 324 AN ACT TO INCORPORATE THE BOSTON CO-OPERATIVE BUILDING COMPANY.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. William Gray, Abby W. May, Henry B. Rogers and Anna Cabot Lodge, their associates and successors, are hereby made a corporation by the name of the Boston Coöperative Building Company, in the city of Boston, to hold and improve real estate in said city, as homes for working people at moderate cost; with all the liabilities, duties and restrictions set forth in all general laws which now are or may hereafter be in force relating to such corporations.

Name and purpose.

Real and personal estate.

SECTION 2. Said corporation shall have power to hold real and personal estate for the purposes aforesaid, not exceeding two hundred thousand dollars in value.

Par value of shares.

SECTION 3. The stock of said corporation shall be divided into shares, each of the par value of twenty-five dollars, and the dividends on said shares shall not exceed seven per cent. per annum on the par value thereof.

Dividends.

To make annual return to board of state charities.

SECTION 4. Said corporation shall make a return annually to the board of state charities of the amount of capital assessed and paid in, of the amount invested in lands and buildings, and of all expenses incurred in the management thereof, and of all receipts from rents or other sources, and the dividends declared during the year.

SECTION 5. This act shall take effect upon its passage.

Approved May 25, 1871.

Chap. 325 AN ACT TO AUTHORIZE THE OLD COLONY AND NEWPORT RAILWAY COMPANY TO CONSTRUCT A BRANCH IN THE SIXTEENTH WARD OF BOSTON, AND CONCERNING THE SHAWMUT RAILROAD COMPANY.

Be it enacted, &c., as follows:

May construct branch railroad in the sixteenth ward of Boston.

SECTION 1. The Old Colony and Newport Railway Company may locate, construct, maintain and operate a railroad with one or more tracks, commencing at some convenient point on or near the Neponset river, in the city of Boston, near Granite Bridge, so called, and thence running in a northerly and westerly direction through the sixteenth ward of the city of Boston to a point at or near Park street, thence easterly to some point on the railroad of said company between the Harrison square and Crescent avenue stations, with authority to cross in its course the Milton Branch Railroad of said company and the north-westerly part of Cedar Grove Cemetery in said Boston: *provided*, said Old Colony and Newport Railway Company first obtains the consent of the Shawmut Railroad Company thereto, in which case the right of said last-named company to locate, construct, maintain and operate a railroad southerly of said

Proviso.

Park street, and to enter with its railroad upon, unite the same with and use the railroad of the Old Colony and Newport Railway Company shall cease; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the general laws which now are or may hereafter be in force relating to railroad corporations.

Powers and duties.

SECTION 2. The Old Colony and Newport Railway Company may increase its capital stock one hundred thousand dollars, for the purpose of constructing said line of railroad.

\$100,000 additional capital stock.

SECTION 3. The time within which the Shawmut Railroad Company may locate and construct the remaining portion of its railroad is hereby extended two years.

Time extended for location and construction of Shawmut Railroad.

SECTION 4. This act shall take effect upon its passage, and shall be void unless said railroad provided in section one shall be located within one year and constructed within two years from the passage hereof. *Approved May 25, 1871.*

Location and construction.

AN ACT TO FIX THE SALARY OF THE CLERK OF THE DISTRICT COURT OF NORTHERN BERKSHIRE.

Chap. 326

Be it enacted, §c., as follows:

SECTION 1. The annual salary of the clerk of the district court of Northern Berkshire shall be eight hundred dollars, payable from the first day of January of the present year.

Annual salary fixed at \$800.

SECTION 2. This act shall take effect upon its passage.

Approved May 25, 1871.

AN ACT IN RELATION TO THE APPOINTMENT OF TRUSTEES IN CERTAIN CASES.

Chap. 327

Be it enacted, §c., as follows:

SECTION 1. When lands in this state are held in trust for persons resident here, by a trustee who derives his appointment or authority from a court having no jurisdiction within this Commonwealth, application may be made to the probate court in the county in which the lands are situated, and such trustee, after due notice of such application, shall be required to take out letters of trust from said court; and upon the neglect or refusal of the trustee to comply with the orders of the court therein, the court shall declare such trust vacant, and appoint a new trustee, in whom the estate held in trust shall vest in like manner as if he had been originally appointed or authorized by said probate court.

Trustee, holding lands for residents and appointed by court not having jurisdiction here, may be required to take out letters of trust from probate court where lands lie.

SECTION 2. The notice to the trustee required by the preceding section, may be given by serving on the trustee a copy of the petition or application aforesaid, and the citation of the court issued thereon, fourteen days at least before the time fixed for the return of such citation, or by such other notice as the court may order. *Approved May 25, 1871.*

Notice to be given by serving copy of petition on trustee.

Chap. 328 AN ACT FOR THE PROTECTION OF SHELL FISHERIES IN THE TOWN OF DARTMOUTH.

Be it enacted, &c., as follows :

Shell-fish not to be taken by a non-resident except by a permit from selectmen.

Not exceeding three bushels at one time to be taken by inhabitant.

Penalty for violation.

SECTION 1. No person not an inhabitant of the town of Dartmouth shall take any clams, quahaugs, oysters or other shell-fish within the waters of said town, for bait, or for the purpose of selling the same, without first obtaining a permit in writing from the selectmen of said town, nor shall any person, being an inhabitant of said town, take any of the said fish in the waters thereof for bait or for the purpose of selling the same in quantity at any one time exceeding three bushels (including the shells), without such a permit from said selectmen, who may grant such permits for such sums, to be paid to them for the use of said town as they deem proper.

SECTION 2. Whoever shall take any shell-fish in violation of the provisions of this act, shall for every such offence pay a fine of not less than five nor more than ten dollars, with costs of prosecution, and one dollar for every bushel of shell-fish so taken.

Approved May 25, 1871.

Chap. 329 AN ACT CONCERNING SALES OF REAL ESTATE BY EXECUTORS AND TRUSTEES IN CERTAIN CASES.

Be it enacted, &c., as follows :

If, under a will, the sale of real estate depends upon consent of a person deceased, judge of probate court may authorize sale.

Proviso.

SECTION 1. Where, under the provisions of a will, the sale of devised real estate by a trustee or executor is dependent upon the consent of a person who shall have deceased, the judge of the probate court having jurisdiction of the proceedings in the settlement of the estate, may, in his discretion, authorize the sale of such real estate the same as though no such consent was required: *provided*, all parties interested in the sale assent thereto.

SECTION 2. This act shall take effect upon its passage.

Approved May 25, 1871.

Chap. 330 AN ACT IN ADDITION TO AN ACT PROVIDING FOR THE ESTABLISHMENT OF TRUE MERIDIAN LINES, AND FOR REGULATING THE PRACTICE OF SURVEYING IN THIS STATE.

Be it enacted, &c., as follows :

Apparatus used by land surveyors for linear measurements, to be annually tested by sealer of weights and measures.

SECTION 1. All apparatus for linear measurements used by any land surveyor shall be tested and proved once in each year, by the sealer of weights and measures, in the town or city where such surveyor resides, or where he has his business-office, and all chains, tapes or other implements used for linear measurements that cannot be made to conform to the standard, shall be marked condemned, or CD., by the sealer of weights and measures, and no surveyor shall

thereafter use the same for measuring land, under the penalty of twenty dollars for each offence.

SECTION 2. The mayor and aldermen of any city, or selectmen of any town, may, if in their judgment they shall deem it expedient so to do, appoint any suitable and competent person other than the sealer of weights and measures, to test and prove such measuring implements used by land surveyors.

Competent persons may be appointed to test implements.

SECTION 3. In all cases the standards used for such tests shall be based upon and shall correspond to the standards furnished by the state to sealers of weights and measures.

Tests to be based upon standards furnished by the State.
Fees.

SECTION 4. The fee for such testing and proof of each article of apparatus shall be twenty-five cents, to be paid by the person presenting the apparatus for test.

SECTION 5. This act shall take effect upon its passage.

Approved May 25, 1871.

AN ACT TO PROVIDE FOR A RAILROAD POLICE AND FOR THE BETTER PROTECTION OF PASSENGERS UPON RAILROAD TRAINS AND AT RAILROAD STATIONS.

Chap. 331

Be it enacted, §c., as follows :

SECTION 1. The selectmen of any town, or the mayor and aldermen of any city may, upon the petition of any railroad corporation having a passenger station within the limits of such town or city, appoint as many of the employees of said company as they may deem proper, police officers, to act as railroad police for the purposes and with the powers hereinafter set forth. Such police officers shall hold their offices during the pleasure of the selectmen or mayor and aldermen by whom they are appointed, unless their powers shall be terminated as provided in section nine.

Employees of railroad companies may be appointed to act as railroad police, upon petition of company.

SECTION 2. A copy of the record of the appointments of any railroad police officer shall be filed by the clerk of the corporation upon whose petition such order is made, with the clerk of each town or city through or into which such railroad runs and in which it is intended that such police shall act ; and the filing of such order shall constitute the persons named therein railroad police within such towns or cities.

Copy of record of appointment to be filed with clerk of each town where railroad runs.

SECTION 3. Every officer of the railroad police shall, when on duty, except as detectives, wear a metallic badge in plain view, with the words "Railroad Police" and the name of the corporation for which he is appointed inscribed thereon.

Badge of railroad police.

SECTION 4. Officers of the railroad police may preserve order within and about the premises and upon the cars of the corporation upon whose petition they are appointed ; they may arrest without a written warrant, all idle, intoxicated or disorderly persons frequenting such premises or

Officers may arrest without warrant intoxicated or disorderly persons, and take them to nearest police station.

cars and obstructing or annoying by their presence or conduct, or by profane or indecent language or behavior, the traveling public using the same, and may take the persons so arrested to the nearest police station or other place of lawful detention.

May arrest disorderly passengers and convey them to baggage car.

SECTION 5. Whenever any passenger upon a railroad train behaves in a noisy or disorderly manner, any railroad police officer may arrest him without a written warrant, and remove him to the baggage car of such train, where such officer may confine him until the arrival of the train at some station where he can be placed in charge of an officer who shall take him to a place of lawful detention.

Penalty for loitering in station house, &c.

SECTION 6. Whoever without right loiters or remains within any station house of a railroad company or upon the platform or grounds adjacent to such station, after being requested to leave the same by any railroad police officer, shall be punished by a fine of not less than two or more than twenty dollars.

Passengers not to be ejected from car for non-payment of fare except at passenger station. Arrest for non-payment of fare.

SECTION 7. No railroad corporation shall eject any person from its cars for non-payment of fare, excepting at some passenger station upon its road. Officers of the railroad police may arrest any passenger refusing to pay his fare, and may deliver him into custody at any regular passenger station.

Compensation.

SECTION 8. The compensation of all railroad police shall be paid by the corporations upon whose petition they are respectively appointed. And such corporations shall be liable to parties aggrieved by any official misconduct of such railroad police to the same extent as they now are for the torts of agents and servants in their employ.

Liability of company for misconduct of police.

Discharge of officers.

SECTION 9. Whenever any corporation shall cease to require the services of any of the railroad police appointed upon its petition, it may file a notice to that effect in the several offices in which notice of such appointment was originally filed, and thereupon the power of said officer shall cease.

SECTION 10. This act shall take effect upon its passage.

Approved May 25, 1871.

Chap. 332

AN ACT TO FIX THE SALARY OF THE DEPUTY TAX COMMISSIONER.

Be it enacted, &c., as follows :

Salary fixed at \$2,500.

The salary of the deputy tax commissioner shall be twenty-five hundred dollars, commencing with the first day of January of the present year.

Approved May 25, 1871.

AN ACT REQUIRING RAILROAD CORPORATIONS TO HAVE AN ADEQUATE CAPITAL STOCK BEFORE BEGINNING TO BUILD THEIR ROADS.

Chap. 333

Be it enacted, &c., as follows :

SECTION 1. No railroad corporation heretofore chartered, the construction of whose road is not actually begun, and no such corporation hereafter chartered, shall begin to construct its road, until the amount of capital stock required by its charter, and in all cases at least fifteen thousand dollars for each mile of road proposed to be built, has been actually subscribed in good faith by responsible parties, without any condition which invalidates the subscription, and twenty per centum of the par value of each and every share thereof actually paid into its treasury ; nor until a certificate setting forth these facts, signed and sworn to by the president and a majority of the directors, is filed with the secretary of the Commonwealth.

Not to begin to construct road until capital stock required and \$15,000 for each mile of road has been subscribed, and 20 per cent. of par value actually paid in.

SECTION 2. Upon filing such certificate, there shall be paid to the secretary the sum of fifty dollars, which shall be included in his quarterly returns of fees, and paid into the treasury.

\$50 shall be paid to the secretary, and by him paid into treasury.

SECTION 3. The seventh section of the sixty-third chapter of the General Statutes, and all acts and parts of acts inconsistent herewith, are hereby repealed.

Repeal.

SECTION 4. This act shall take effect upon its passage.

Approved May 25, 1871.

AN ACT IN ADDITION TO AN ACT CONCERNING THE MANUFACTURE AND SALE OF INTOXICATING LIQUORS.

Chap. 334

Be it enacted, &c., as follows :

SECTION 1. Section thirty of chapter four hundred and fifteen of the acts of the year eighteen hundred and sixty-nine, is hereby amended by inserting before the words "and all wines" the words "ale, porter, strong beer, lager-bier."

Amendment to 1869, §15, § 30.

SECTION 2. Any city or town may, on the first day of July next, and thereafter annually on the first Tuesday of May, vote that any person may manufacture, sell or keep for sale therein, ale, porter, strong beer or lager-bier, and in any city or town so voting, any person may manufacture, sell or keep for sale such liquors until the first Tuesday in May next following ; but nothing herein contained shall authorize any person to sell ale, porter, strong beer or lager-bier during any part of the Lord's day.

Manufacture and sale of ale, &c., may be authorized by vote of cities and towns.

— not allowed on the Lord's day.

SECTION 3. Meetings called for the purpose aforesaid shall be notified, warned and held in the same manner as meetings for the election of municipal officers ; the check list shall be used and the polls shall be kept open at least

Meetings to be warned, &c., as for election of municipal officers.

two hours between ten o'clock in the forenoon and four o'clock in the afternoon. The vote shall be by ballot, and ballots shall be "yes" or "no," in answer to the question, "Shall any person be allowed to manufacture, sell, or keep for sale, ale, porter, strong beer or lager-bier in this city (or town)?"

Repeal of 1870,
389, §§ 2-3,
1870, 390.

SECTION 4. Sections two and three of chapter three hundred and eighty-nine of the acts of the year eighteen hundred and seventy, chapter three hundred and ninety of the acts of said year, and all acts and parts of acts inconsistent herewith are hereby repealed.

When to take
effect.

SECTION 5. For the purpose of calling and holding the meetings herein provided for, this act shall take effect upon its passage, and shall take full effect upon the first day of July next.

Approved May 25, 1871.

Chap. 335

AN ACT FOR THE IMPROVEMENT OF NAVIGATION IN SOUTH BAY AND THE MODIFICATION OF ITS HARBOR LINES.

Be it enacted, &c., as follows :

Commissioners
may allow
wharves, &c.,
to be built in
South Bay of
Boston Harbor,
subject to ap-
proval of the
governor and
council.

SECTION 1. The board of harbor commissioners is hereby authorized to license any person to drive piles, build a wharf, wall, pier or other structure in tide-water on land and flats in that part of Boston harbor called South Bay, or to fill such land and flats to such harbor lines as the harbor commissioners shall fix and determine, subject to the approval of the governor and council, any existing harbor lines on South Bay to the contrary notwithstanding: *provided, however*, that no person shall drive any piles, build a wharf, wall, pier, or other structure or do any filling in tide-water on such land and flats, except in accordance with the terms of such license and subject to the provisions of section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six and of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine; and *provided, further*, that nothing contained in this act shall be construed to affect or take away any private rights which cannot lawfully be affected or taken away without compensation therefor; and said commissioners are hereby authorized to make agreements with any claimants of lands and flats in said South Bay to secure the establishment of such line or lines, and may make and receive conveyances of land or flats in said South Bay in execution of such agreements: *provided*, such agreements are approved by the governor and council, but this shall not authorize any agreement to pay any money from the treasury of the Commonwealth.

Proviso.

Private rights
not to be af-
fected.

Commissioners
may make
agreements
with claimants
of flats.

Proviso.

SECTION 2. The said board of commissioners is hereby empowered to authorize any person at his own expense to dredge material out of South Bay within such limits as may be designated by the board.

Commissioners may permit any person to dredge South Bay at his own expense.

SECTION 3. This act shall take effect upon its passage.

Approved May 25, 1871.

AN ACT TO AUTHORIZE THE EXPENDITURE OF MONEY FOR EDUCATIONAL PURPOSES IN THE STATE PRISON.

Chap. 336

Be it enacted, &c., as follows :

SECTION 1. The warden and inspectors of the state prison are hereby authorized to expend from the appropriation made for the support of said prison, a sum not exceeding two thousand dollars per annum, in furnishing suitable instruction in reading, writing and such other branches of education as they may deem expedient, to such of the convicts as may be benefited thereby and are desirous of receiving the same ; and said warden and inspectors are hereby authorized to expend a sum not exceeding one thousand dollars in fitting up a school-room in said prison.

Expenditure of \$2,000 authorized for instruction of prisoners in state prison, and \$1,000 for fitting up a school-room.

SECTION 2. Chapter two hundred and fifty-five of the acts of the year eighteen hundred and sixty-nine, is hereby repealed.

Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved May 25, 1871.

AN ACT TO PROVIDE FOR A DRAW IN THE BRIDGE OF THE EASTERN RAILROAD COMPANY OVER ANNISQUAM RIVER IN GLOUCESTER.

Chap. 337

Be it enacted, &c., as follows :

SECTION 1. The Eastern Railroad Company shall, subject to the provisions of this act, construct and maintain a good and sufficient draw, of not less than thirty feet in width, in its bridge across Annisquam river in Gloucester. Said draw shall be located over the channel of said river, in the most convenient place for the passage of vessels, and the provisions of all general laws which are or may be in force relating to drawbridges in railroads shall apply to the same.

E. R. R. Co. may construct draw in bridge over Annisquam River in Gloucester.

SECTION 2. This act shall not be binding on said company until the town of Gloucester has constructed, or caused or permitted to be constructed, a good and sufficient draw of the width aforesaid, over the canal connecting said river with Gloucester harbor, where the public travelled way crosses the same ; nor until said canal is cleared out to a depth sufficient for the safe passage at mean high water of vessels with a draft of at least seven feet.

Not to be binding until Gloucester has constructed draw over canal, &c.

If within ten years, town fails to maintain draw, &c., over canal, company may recover cost of construction of draw over river.

SECTION 3. If within ten years after said company has completed its draw, there is a failure for six consecutive months to maintain the draw mentioned in section two, or to keep open said canal to the depth mentioned therein and with at least its present width, said company may recover of the town of Gloucester, in an action of contract, the cost of constructing the draw of said company, or an equitable portion thereof, to be determined by the jury.

Company to construct draw within four months after provisions are complied with.

SECTION 4. Said company shall construct and complete its draw within four months after the provisions of section two have been complied with, and said town has accepted this act as herein provided and notified said company of its acceptance.

Subject to acceptance by town.

SECTION 5. This act shall take effect upon its passage, but shall become void unless the provisions of section two are complied with, and said act is accepted by the town of Gloucester, at a legal meeting called for the purpose, before the first day of August next.

Approved May 25, 1871.

Chap. 338

AN ACT CONCERNING THE DIVISION OF FLATS.

Be it enacted, &c., as follows :

Division of flats.

SECTION 1. Persons holding lands or flats adjacent to or covered by high water, may have the lines and boundaries of their ownership in such flats settled and determined in the manner hereinafter provided.

Commissioners to make survey and determine boundary lines.

SECTION 2. One or more of the persons holding lands or flats adjacent to or covered by high water, may apply by petition to the supreme judicial court for the county in which the same lie, for the settlement and determination of ownership in such flats. And the court may appoint one or more competent persons as commissioners to make a survey of the flats of the petitioner, and of all other flats adjacent and owned by other parties, whose rights may be affected in determining the lines of such petitioners' flats, and said commissioners shall determine the boundary lines of all such flats, and report to the court the boundaries established for each owner of such flats, with a plan of the several portions of flats, showing the lines established for each owner, which plan, after its approval, shall, by order of the court, be recorded in the registry of deeds for the county where said flats lie.

Plan to be recorded in registry of deeds.

All persons interested to be notified before making survey.

SECTION 3. Before proceeding to make the survey and establish the lines over the flats according to the preceding section, such commissioners shall notify all persons interested in the premises, either by personal service or by publication, as the court may direct, to appear at a time and place named and be heard in relation to such survey. And the report of

said commissioners, together with the plan, when accepted by the court and recorded as aforesaid, shall forever fix and determine the rights of all persons and parties, except where definite boundary lines have been established by parties legally authorized so to do.

Report and plan, when accepted by court, forever to determine the rights of all parties.

SECTION 4. The proceeding upon such petitions shall be according to the third, sixth, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fifteenth and twenty-second sections of the one hundred and thirty-sixth chapter of the General Statutes, so far as the same are applicable to the proceedings under this act.

Proceedings upon petitions.

SECTION 5. The expenses and charges of the commissioners shall be ascertained and allowed by the court; the other costs shall be taxed in the usual manner, and the whole shall be apportioned by the court upon all parties interested in determining their boundary lines over such flats, to be paid in proportion to the share or interest they respectively hold in the flats.

Expenses, &c., of commissioners and other costs, to be apportioned upon all parties interested.

SECTION 6. No proceedings, and no settlement or determination of any lines or boundaries of ownership, under the provisions of this act, shall affect any rights or title of the Commonwealth to any flats or lands, unless the Commonwealth consents to become a party to the proceedings.

Rights of State not to be affected unless State consents to become a party to.

SECTION 7. Chapter three hundred and six of the acts of the year eighteen hundred and sixty-four is hereby repealed.

Repeal.

Approved May 25, 1871.

AN ACT TO AUTHORIZE THE CITY OF WORCESTER TO ESTABLISH A CITY HOSPITAL.

Chap. 339

Be it enacted, &c., as follows :

SECTION 1. The city of Worcester is hereby authorized to erect, establish and maintain a hospital for the reception of persons who, by misfortune or poverty, may require relief during temporary sickness.

Worcester may establish a city hospital.

SECTION 2. The city council of said city shall have power to make such ordinances, rules and regulations as they may deem expedient, for the appointment of trustees and all other necessary officers, agents and servants for managing the said hospital.

City council may make regulations for management, &c.

SECTION 3. This act shall take effect upon its passage.

Approved May 25, 1871.

AN ACT TO AMEND AN ACT TO AUTHORIZE THE CITY OF BOSTON AND THE TOWN OF WEST ROXBURY TO IMPROVE STONY BROOK AND ITS TRIBUTARIES.

Chap. 340

Be it enacted, &c., as follows :

SECTION 1. The city of Boston and the town of West Roxbury, for the preservation of the public health, as well

May exercise powers granted

under 1868, 223. as for sewerage purposes, may exercise the powers granted
1870, 220. by chapter two hundred and twenty-three of the acts of the
year eighteen hundred and sixty-eight, and by chapter two
hundred and twenty of the acts of the year eighteen hun-
dred and seventy.

Repeal. Section eight of chapter two hundred and twenty-three of
the acts of the year eighteen hundred and sixty-eight is
hereby repealed.

SECTION 2. This act shall take effect upon its passage.

Approved May 25, 1871.

Chap. 341 AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE EAST WAL-
POLE BRANCH RAILROAD COMPANY.

Be it enacted, &c., as follows :

Railroad from
Boston and
Providence in
Dedham to
Mansfield and
Framingham
road in Wal-
pole.

SECTION 1. The East Walpole Branch Railroad Company
may locate, construct, maintain and operate a railroad, with
one or more tracks, from a convenient point on the road of
the Boston and Providence Railroad Corporation in Dedham,
thence through South Dedham and East Walpole to a con-
venient point on the road of the Mansfield and Framingham
Railroad Company in Walpole; with all the powers and
privileges, and subject to all the duties, liabilities and restric-
tions set forth in the general laws which now are or hereafter
may be in force relating to railroad corporations.

May unite with
other railroads.

SECTION 2. Said corporation may enter with its said rail-
road upon, unite the same with and use the railroads of the
Boston and Providence Railroad Corporation and the Mans-
field and Framingham Railroad Company, and the corpora-
tions last named may respectively enter with their railroads
upon, unite the same with and use the railroad of said first
named corporation, subject to the provisions of the general
laws.

May construct
road in two sec-
tions.

SECTION 3. Said corporation may construct its said rail-
road in two sections, the first extending from the aforesaid
terminus in Dedham to East Walpole, and the second from
East Walpole to the aforesaid terminus on the Mansfield and
Framingham Railroad. When said first section is con-
structed, the right of said corporation to construct or main-
tain a railroad upon the route described in section two of its
act of incorporation shall cease, and when said second sec-
tion is constructed, its right to construct or maintain a rail-
road upon the route described in section six of said act shall
cease.

Capital stock.

SECTION 4. For the purposes of the first section of its said
road, said corporation shall have a capital stock of not less
than one hundred and fifty thousand nor more than three

hundred thousand dollars, and for the purposes of the second section of its said road, a capital stock of not less than one hundred thousand nor more than one hundred and fifty thousand dollars, inclusive of the amounts named in sections two and six respectively of its act of incorporation.

SECTION 5. Said corporation may lease or sell its railroad, or either section thereof, with the franchise and property pertaining to the same, to the Boston and Providence Railroad Corporation or the Mansfield and Framingham Railroad Company, upon terms approved by a majority of the votes at meetings of the stockholders of each of the contracting corporations called for the purpose; and the corporation purchasing may increase its capital stock by an amount not exceeding the actual cost of constructing the road or section so purchased.

May sell or
lease franchise.

SECTION 6. Said corporation may locate and construct its road or either section thereof at any time within three years after the passage of this act.

Location and
construction.

SECTION 7. This act shall take effect upon its passage.

Approved May 25, 1871.

AN ACT TO EXTEND THE CHARTER OF THE BEVERLY INSURANCE COMPANY. *Chap. 342*

Be it enacted, &c., as follows:

The Beverly Insurance Company shall continue to be a corporation after the expiration of its present charter for the purpose of insuring against maritime losses only; with the same powers and privileges, and subject to the same duties, liabilities and restrictions as if the act incorporating said company had contained no limitation of time: *provided*, the capital stock of said corporation shall not be less than fifty thousand dollars.

Charter extended for purpose of insuring against maritime losses.

Proviso.

Approved May 25, 1871.

AN ACT TO PROVIDE FOR A UNION PASSENGER STATION AND FOR THE REMOVAL OF RAILROAD TRACKS FROM CERTAIN PUBLIC WAYS AND GROUNDS IN THE CITY OF WORCESTER. *Chap. 343*

Be it enacted, &c., as follows:

SECTION 1. The Boston and Albany Railroad Company, the Norwich and Worcester Railroad Company, the Providence and Worcester Railroad Company, the Worcester and Nashua Railroad Company and the Boston, Barre and Gardner Railroad Corporation may and shall unite in a station in the city of Worcester, for the accommodation of the passenger traffic of all said corporations. Said station shall be located on the northerly side of the main tracks of the Boston and Albany Railroad Company, between Green street and Grafton street, or upon the easterly side of said Grafton

Union Passenger Station in Worcester.

street and not more than fifteen hundred feet distant therefrom. And the supreme judicial court or any justice thereof, sitting in any county, in term time or vacation shall upon the application of either of said corporations, or of the mayor and aldermen of the city of Worcester, and after notice to the other parties in interest appoint three commissioners, who after due notice to and hearing said parties shall determine whether said station shall be located between Green street and Grafton street, or on the easterly side of Grafton street, as above provided, and the report of said commissioners or a major part of them, being returned into and accepted by said court, shall be binding on all said parties; and the court shall enter all such orders and decrees as may be found needful to carry into effect said report.

Commissioners to be appointed to determine location.

To be erected and kept in repair by Boston and Albany Railroad Co.

SECTION 2. Said station shall be erected and kept in repair at the sole expense of the Boston and Albany Railroad Company. Said company for the purposes of said station and for providing suitable approaches thereto, may purchase or take such land within the limits aforesaid, including the location of any street or way, as the board of railroad commissioners determines to be necessary.

Rent to be paid to Boston and Albany Railroad.

SECTION 3. Said station shall be used by all said corporations, the other corporations severally yielding and paying to the Boston and Albany Railroad Company a reasonable rent for the use thereof, which, if not agreed by the parties, shall be determined, and may be revised and altered from time to time at intervals of not less than three years, by the board of railroad commissioners, upon a petition presented to said board by either of said corporations.

Plans to be prepared and submitted to railroad commissioners.

SECTION 4. The Boston and Albany Railroad Company shall, as soon as practicable after the passage of this act, cause plans and drawings to be prepared of said proposed station, exhibiting its form, dimensions and arrangement, and its location with reference to the adjacent streets and to the tracks of all said corporations located or proposed to be located in the vicinity thereof, and shall submit said plans and drawings, when completed, to the board of railroad commissioners for its approval. Said board, after due notice to all said corporations and to the mayor and aldermen of said city and a hearing of all said parties to be had in said city, may approve the same or order such changes, alterations and improvements to be made in said station and in the location thereof within the limits aforesaid, and subject to the report of the commissioners mentioned in section one, and in the arrangement and location of said tracks, as in their judgment the safety and convenience of the public and the

interests of all said corporations require ; and all orders and directions of said board in respect thereto shall be binding on all said corporations.

SECTION 5. Said station shall be completed and ready for the use of all said corporations within two years after the passage of this act.

Station to be completed within two years.

SECTION 6. The board of railroad commissioners shall, upon the application of either of said corporations, and after due notice and hearing of all the parties interested, make and establish such rules and regulations for the use of said station by said corporations, as it deems just and reasonable ; and after like notice and hearing may change the same from time to time, and such rules and regulations shall be binding upon all said corporations.

Railroad commissioners to establish rules for use of station.

SECTION 7. After the completion of said station, and within three years after the passage of this act, the Boston and Albany Railroad Company may discontinue the present location of its railroad between the south line of Shrewsbury street and the Foster Street station in said city ; and the Norwich and Worcester Railroad Company may and shall discontinue the present location of its railroad between said Foster Street station and the south line of Park street in said city ; and the Worcester and Nashua Railroad Company may and shall discontinue the present location of its railroad between the easterly line of Union street and the south line of said Park street ; and said two last named companies may discontinue all or any part of the present locations of their railroads respectively, between the south line of said Park street and the Boston and Albany Railroad at the junction depot in said city. Upon the discontinuance of any location as aforesaid, all tracks shall forthwith be removed therefrom, unless allowed to remain temporarily by the mayor and aldermen of said city.

Boston and Albany and other railroads may discontinue portion of present location of road after station is completed.

Tracks to be removed.

SECTION 8. The Boston and Albany Railroad Company shall pay to the Worcester and Nashua Railroad Company and to the Norwich and Worcester Railroad Company, upon the discontinuance by them of their locations required to be discontinued by the preceding section, such sums as may be agreed by the parties, or, in case of disagreement, as the board of railroad commissioners, upon the application of said companies and a hearing of the parties, determines to be just and reasonable, in full compensation for any and all rights which said companies respectively may then have under existing contracts and leases to use the passenger station and tracks of said first named company at or near Foster street in said city. If either party is dissatisfied with the award of

Boston and Albany to pay to other roads such sums as may be agreed upon or determined by railroad commissioners.

said board, such party may have said compensation determined by a jury, upon application in writing therefor to the superior court, at any term thereof holden within the county of Worcester within one year after the publication of such award ; and thereupon said court shall, after due notice to the other party, order a trial by jury, to be had at the bar of the court, in the same manner as other civil causes are there tried by jury.

Norwich and Worcester and Providence and Worcester Railroads may extend roads.

SECTION 9. The Norwich and Worcester Railroad Company may extend its railroad from the junction depot in said city to said union passenger station ; and the Providence and Worcester Railroad Company may extend its railroad from its present terminus at Green street in said city to said union passenger station ; and for the purposes aforesaid, said corporations respectively may take such portions of the location of the Boston and Albany Railroad Company as the parties agree, or, in case of disagreement, as the board of railroad commissioners determines.

Boston, Barre and Gardner Railroad may extend road.

SECTION 10. The Boston, Barre and Gardner Railroad Corporation may extend its railroad to said union passenger station, and for that purpose may locate, construct and maintain its railroad within the location of any other railroad corporation in said city, at such places and upon such terms as the parties agree, or, in case of disagreement, as the board of railroad commissioners determines.

Railroad tracks to be laid by railroads for their joint use.

SECTION 11. The Norwich and Worcester Railroad Company, the Providence and Worcester Railroad Company, the Worcester and Nashua Railroad Company, and the Boston, Barre and Gardner Railroad Corporation, may and shall unite in the location and construction of one or more railroad tracks for their joint use, commencing at a point on the line of the Worcester and Nashua Railroad at or near Bridge street in said city, and extending by a curved line across Bridge street, Mechanic street, and Front street, to a point on the line of the Boston and Albany Railroad east of Green street. Said tracks may be constructed and maintained at the joint expense of all said corporations, or at the expense of either or any of them, as they agree ; and in case said companies cannot agree upon the proportion of such expense to be paid by each, or upon the compensation to be paid by any one of them not contributing to such expense for the use of said tracks, or if they cannot agree in what manner said tracks shall be used by said corporations respectively, the same shall be determined by the board of railroad commissioners upon an application made to said board by either or any of said corporations. Said tracks shall pass

To be maintained at joint expense.

over said Bridge street, Mechanic street and Front street by suitable bridges; and said tracks and bridges shall be located, constructed and arranged in such manner and form as the board of railroad commissioners determines and directs, after due notice and hearing of said corporations and the mayor and aldermen of said city.

SECTION 12. Upon the completion of said union passenger station, the Providence and Worcester Railroad Company may discontinue its present passenger station at Green street, and the Boston and Albany Railroad Company may discontinue its present passenger stations at Foster street and Washington square, in said city.

Other stations to be discontinued when union station is built.

SECTION 13. The Worcester and Nashua Railroad Company shall maintain at its own cost, upon its land north of Lincoln square in said city, a suitable passenger station for the accommodation of the local passenger traffic of said company and of the Boston, Barre and Gardner Railroad Corporation; said last named corporation yielding and paying to the corporation first named a reasonable rent for the use thereof, which, if not agreed by the parties, shall be determined, and may be revised and altered from time to time, at intervals of not less than three years, by the board of railroad commissioners, upon a petition presented to said board by either of said corporations.

Worcester and Nashua Railroad to maintain passenger station north of Lincoln Square.

SECTION 14. Nothing in this act shall be construed to authorize or require the discontinuance of the junction depot in said city; but said corporations may pass said depot with express trains without stopping.

Junction depot not to be discontinued.

SECTION 15. Said corporations may severally or jointly purchase or take such lands as are necessary for any and all the purposes aforesaid, or for additional tracks, and may also take such lands in said city for depot and station purposes as the board of railroad commissioners determines to be necessary for the convenient transaction of their business. Said corporations shall file locations of all lands so taken within three years after the passage of this act. No land so taken or purchased for depot or station purposes shall be exempt from taxation.

Corporations may jointly or severally take lands.

To file locations of lands taken.

SECTION 16. Said corporations respectively, may sell and convey all their right, title and interest in and to any land occupied by them for railroad purposes, the use of which is discontinued under the provisions of this act.

Land may be sold when use is discontinued.

SECTION 17. For the purposes aforesaid, said corporations respectively, may make any changes in the grade and construction of their railroads, and with the consent of the mayor and aldermen of said city, may raise, lower, alter the

Grades may be changed with consent of mayor and aldermen.

course of or otherwise change any streets or ways in said city.

Liability for damages.

SECTION 18. In the exercise of the powers granted by this act, said corporations, and any person or corporation sustaining damage, shall have all the rights, privileges and remedies, and be subject to all the duties, liabilities and restrictions which are or may be provided by the general laws in the like cases, except as herein otherwise provided.

After union station is built, engines or cars not to be used over roads required to be discontinued.

SECTION 19. After the completion of said union passenger station, the supreme judicial court or any justice thereof, in term time or vacation, shall have jurisdiction in equity, upon the application of the mayor and aldermen of said city, to enjoin any of said corporations from crossing with their engines or cars any of the streets in said city, their location over which is by this act required to be discontinued; but this remedy shall not prejudice any other legal remedy for any violation of the provisions of this act.

Boston, Hartford and Erie Railroad to have similar rights.

SECTION 20. The Boston, Hartford and Erie Railroad Company shall have the same rights and privileges, and for the same period, in the new locations and station accommodations provided for in this act, as in the corresponding locations and station accommodations of the Norwich and Worcester Railroad Company hereby authorized or required to be discontinued.

Boston, Barre and Gardner road may increase capital stock.

SECTION 21. To provide for the expenditures authorized or required to be made by said corporations respectively under this act, the Boston, Barre and Gardner Railroad Corporation may, subject to the provisions of the general laws, increase its capital stock by a necessary amount, not exceeding two hundred thousand dollars, in addition to the amount now authorized by law; and said other corporations, within the limits of their respective capitals now authorized by the laws of this state for any purpose, may issue from time to time, such a number of shares of one hundred dollars each, to be disposed of as hereinafter provided, as shall be sufficient, including the proceeds of all lands sold by them respectively under the sixteenth section of this act, to produce the amounts required for the purposes aforesaid. All shares so issued shall be sold to the highest bidder at public auction in the city of Boston, and notice of the time and place of such sale shall be published on at least five different days during the two weeks immediately preceding the sale, in the newspaper in which the general laws are published, and at least two other daily newspapers in the city of Boston. The number of shares so sold by any one of said cor-

Shares to be sold at auction to the highest bidder.

porations on one and the same day, shall not exceed two thousand.

SECTION 22. The mayor and aldermen of the city of Worcester, upon the discontinuance of the railroad location between Foster Street station and Shrewsbury street, as herein before provided, may and shall extend said Foster street, with a width of not less than sixty feet, from its present eastern terminus, over such discontinued location as near as may be, to Summer street; and upon the discontinuance of the railroad locations south of Park street, or any part thereof, as herein before provided, may and shall lay out and construct a street over such discontinued locations, as near as may be, running southerly from said Park street. The decree of said mayor and aldermen laying out said extension or street shall be final without further proceedings. Said city shall maintain suitable railroad tracks upon said extension and street, to be connected with the tracks of one or more of said corporations, for the accommodation of the business establishments on the line thereof which are accommodated by existing railroad tracks. Said tracks shall be operated by horse power, or such other motive power as said mayor and aldermen from time to time permit. All damages occasioned to any person or corporation by reason of the laying out and construction of said extension or street, shall be assessed in the manner provided by law in regard to the laying out of streets in said city, and shall be paid by said city; and estates receiving benefit from the laying out of said extension or street, shall be liable to assessment therefor as is provided by law in respect to streets and ways in said city.

Mayor and aldermen of Worcester may extend certain streets upon discontinuance of railroad location.

Damages for laying out extension, &c.

SECTION 23. Chapter two hundred and sixty-four of the acts of the year eighteen hundred and sixty-nine, entitled "An Act in relation to union passenger and freight depots in Worcester," is hereby repealed.

Repeal.

SECTION 24. This act shall take effect upon its passage.

Approved May 25, 1871.

AN ACT TO EXTEND THE TIME FOR LOCATING THE EXTENSION OF THE
CAPE COD RAILROAD.

Chap. 344

Be it enacted, &c., as follows:

SECTION 1. The time allowed to locate the extension of the Cape Cod Railroad from the terminus of said road in Wellfleet through the town of Turo to the village of Provincetown, is hereby extended to the first day of September, in the year eighteen hundred and seventy-one.

Time for locating extended.

SECTION 2. This act shall take effect upon its passage.

Approved May 25, 1871.

Chap. 345 AN ACT TO AMEND AN ACT AUTHORIZING THE WINNISIMMET FERRY COMPANY TO WIDEN THEIR SLIP IN BOSTON, AND TO TAKE LAND THEREFOR.

Be it enacted, &c., as follows :

Amendment to 1871, 188.

SECTION 1. Chapter one hundred and eighty-eight of the acts of the current year, entitled an act authorizing the Winnisimmet Ferry Company to widen their slip in Boston, and to take land therefor, is hereby amended by striking out therefrom the word "ferry" wherever it occurs after the word "Winnisimmet," or before the word "company," so that said act shall apply to and mean the Winnisimmet Company, instead of the Winnisimmet Ferry Company.

Rights and remedies for securing payment of damages, &c.

SECTION 2. Section three of said act is hereby amended by adding thereto the following provision: "And in case said company shall take said land, on failure to obtain the same by agreement with the owner thereof, said Grueby or his representatives shall have the same rights and remedies for securing and obtaining the payment of all damages and costs which may be awarded by said street commissioners, or by a jury, for his land and property taken under this act, as are provided for owners in the case of the taking of land by railroad corporations, in sections thirty-two, thirty-three and thirty-four of chapter sixty-three of the General Statutes; and said street commissioners shall have the same authority as is therein given to the county commissioners, and all right and authority of said company to enter upon or use the land or other property of said Grueby, except for the purpose of making surveys, shall be suspended and limited, and for the same causes, as is therein provided in the case of railroad corporations."

SECTION 3. This act shall take effect upon its passage.

Approved May 25, 1871.

Chap. 346 AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE "WORCESTER COUNTY MECHANICS' ASSOCIATION."

Be it enacted, &c., as follows :

Real and personal estate.

SECTION 1. The Worcester County Mechanics' Association is hereby authorized to hold real estate to the value of seventy-five thousand dollars, and personal estate to the value of twenty-five thousand dollars, in addition to the amount which it is now authorized to hold.

Debts of association may be paid.

Proviso.

SECTION 2. Said association is hereby authorized to pay any and all claims or debts against it which have at any time heretofore been legal and valid: *provided*, that at a meeting duly called for the purpose, three-fourths of the members present and voting, vote so to do.

SECTION 3. This act shall take effect upon its passage.

Approved May 25, 1871.

AN ACT TO CONFIRM CERTAIN ACTS DONE BY AUGUSTUS RUSS AS JUSTICE OF THE PEACE. *Chap. 347*

Be it enacted, &c., as follows :

SECTION 1. All acts done by Augustus Russ of Cambridge as a justice of the peace within and for the county of Suffolk, between the fourth day of November, in the year eighteen hundred and seventy, and the eighth day of May, in the year eighteen hundred and seventy-one, are hereby made valid, and confirmed to the same extent as though he had been, during that interval, duly qualified to discharge the duties of said office. Acts done as justice of the peace confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved May 25, 1871.

AN ACT CONCERNING THE USE OF THE JAIL AT GREENFIELD FOR FEMALE CONVICTS. *Chap. 348*

Be it enacted, &c., as follows :

The county commissioners of the county of Franklin are hereby authorized to make, under the direction of the commissioners of prisons, such alterations in the jail at Greenfield as are necessary to make the said jail suitable for a prison for females ; and there shall be allowed and paid from the treasury of the Commonwealth for this purpose, and for other expenses incident to the use of said jail for female convicts, said expenses to be determined by the commissioners of prisons, a sum not exceeding two thousand dollars. Commissioners to make alterations in Greenfield jail at an expense not exceeding \$2,000.

Approved May 25, 1871.

AN ACT TO AUTHORIZE THE APPOINTMENT OF A CLERK OF THE DISTRICT COURT OF SOUTHERN BERKSHIRE *Chap. 349*

Be it enacted, &c., as follows :

SECTION 1. There shall be appointed and commissioned by the governor a clerk of the district court of Southern Berkshire, who shall perform all the services required by law of the clerks of like courts in this Commonwealth ; and said clerk shall receive an annual salary of three hundred dollars, to be paid from the treasury. Duties of clerk, &c.

SECTION 2. This act shall take effect so far as the appointing, commissioning and qualifying the clerk of said court is concerned upon its passage, and it shall take full effect on the first day of July next. When to take effect.

Approved May 25, 1871.

AN ACT TO APPORTION AND ASSESS A STATE TAX OF TWO MILLION FIVE HUNDRED THOUSAND DOLLARS. *Chap. 350*

Be it enacted, &c., as follows :

SECTION 1. Each town and city in this Commonwealth shall be assessed and pay the several sums with which they stand respectively charged in the following schedule, that is to say :— Assessment of cities and towns.

Suffolk County.

SUFFOLK COUNTY.

Boston, . . .	Nine hundred and thirty-three thousand seven hundred and seventy-five dollars,	\$933,775 00
Chelsea, . . .	Twenty thousand one hundred and twenty-five dollars,	20,125 00
Revere, . . .	Two thousand one hundred dollars,	2,100 00
Winthrop, . . .	One thousand one hundred and twenty-five dollars,	1,125 00
		<hr/> \$957,125 00

Essex County.

ESSEX COUNTY.

Amesbury, . . .	Four thousand eight hundred and fifty dollars,	\$4,850 00
Andover, . . .	Seven thousand one hundred and twenty-five dollars,	7,125 00
Beverly, . . .	Nine thousand one hundred and seventy-five dollars,	9,175 00
Boxford, . . .	One thousand six hundred and twenty-five dollars,	1,625 00
Bradford, . . .	Two thousand two hundred and seventy-five dollars,	2,275 00
Danvers, . . .	Six thousand and seventy-five dollars,	6,075 00
Essex, . . .	Two thousand five hundred dollars,	2,500 00
Georgetown, . . .	Two thousand two hundred and twenty-five dollars,	2,225 00
Gloucester, . . .	Twelve thousand seven hundred and twenty-five dollars,	12,725 00
Groveland, . . .	One thousand nine hundred and twenty-five dollars,	1,925 00
Hamilton, . . .	One thousand two hundred and fifty dollars,	1,250 00
Haverhill, . . .	Twelve thousand eight hundred and twenty-five dollars,	12,825 00
Ipswich, . . .	Four thousand one hundred and seventy-five dollars,	4,175 00
Lawrence, . . .	Twenty-eight thousand five hundred and fifty dollars,	28,550 00
Lynn, . . .	Twenty-six thousand and fifty dollars,	26,050 00
Lynnfield, . . .	One thousand five hundred and fifty dollars,	1,550 00
Manchester, . . .	Two thousand one hundred and twenty-five dollars,	2,125 00
Marblehead, . . .	Six thousand nine hundred and fifty dollars,	6,950 00

ESSEX COUNTY—*Concluded.*

Methuen, . .	Three thousand five hundred and fifty dollars,	\$3,550 00
Middleton, . .	One thousand and fifty dollars,	1,050 00
Nahant, . . .	One thousand two hundred dollars, . .	1,200 00
Newbury, . . .	Two thousand dollars,	2,000 00
Newburyport, .	Nineteen thousand five hundred dollars,	19,500 00
North Andover, .	Four thousand seven hundred dollars,	4,700 00
Peabody, . . .	Nine thousand nine hundred and twenty-five dollars,	9,925 00
Rockport, . . .	Three thousand seven hundred dollars,	3,700 00
Rowley,	One thousand four hundred and fifty dollars,	1,450 00
Salem,	Thirty-nine thousand nine hundred and twenty-five dollars,	39,925 00
Salisbury, . . .	Four thousand five hundred and seventy-five dollars,	4,575 00
Saugus,	Three thousand three hundred and twenty-five dollars,	3,325 00
Swampscott, . .	Three thousand five hundred and fifty dollars,	3,550 00
Topsfield, . . .	One thousand eight hundred and twenty-five dollars,	1,825 00
Wenham,	One thousand two hundred and fifty dollars,	1,250 00
West Newbury, .	Two thousand six hundred and twenty-five dollars,	2,625 00
		<hr/> \$238,125 00

MIDDLESEX COUNTY.

Middlesex
County.

Acton,	Two thousand three hundred dollars, .	\$2,300 00
Arlington, . . .	Six thousand nine hundred and twenty-five dollars,	6,925 00
Ashby,	One thousand four hundred and fifty dollars,	1,450 00
Ashland,	One thousand nine hundred dollars, . .	1,900 00
Bedford,	One thousand three hundred dollars, . .	1,300 00
Belmont,	Seven thousand nine hundred and twenty-five dollars,	7,925 00
Billerica,	Two thousand eight hundred and twenty-five dollars,	2,825 00

MIDDLESEX COUNTY—*Continued.*

Boxborough, .	Six hundred and fifty dollars, . . .	\$650 00
Brighton, .	Nine thousand two hundred and fifty dollars, . . .	9,250 00
Burlington, .	One thousand one hundred and seventy-five dollars, . . .	1,175 00
Cambridge, .	Sixty-three thousand and twenty-five dollars, . . .	63,025 00
Carlisle, .	Nine hundred and fifty dollars, . . .	950 00
Charlestown, .	Forty-six thousand two hundred dollars, . . .	46,200 00
Chelmsford, .	Three thousand nine hundred and fifty dollars, . . .	3,950 00
Concord, .	Four thousand one hundred and seventy-five dollars, . . .	4,175 00
Dracont, .	Three thousand dollars, . . .	3,000 00
Dunstable, .	One thousand dollars, . . .	1,000 00
Framingham, .	Seven thousand two hundred and fifty dollars, . . .	7,250 00
Groton, .	Four thousand two hundred and fifty dollars, . . .	4,250 00
Holliston, .	Four thousand two hundred and twenty-five dollars, . . .	4,225 00
Hopkinton, .	Four thousand five hundred and seventy-five dollars, . . .	4,575 00
Lexington, .	Four thousand four hundred and twenty-five dollars, . . .	4,425 00
Lincoln, .	One thousand five hundred and fifty dollars, . . .	1,550 00
Littleton, .	One thousand six hundred and fifty dollars, . . .	1,650 00
Lowell, .	Fifty-one thousand eight hundred and fifty dollars, . . .	51,850 00
Malden, .	Ten thousand six hundred and fifty dollars, . . .	10,650 00
Marlborough, .	Seven thousand six hundred and fifty dollars, . . .	7,650 00
Medford, .	Thirteen thousand two hundred and seventy-five dollars, . . .	13,275 00
Melrose, .	Four thousand four hundred and seventy-five dollars, . . .	4,475 00
Natick, .	Five thousand three hundred and seventy-five dollars, . . .	5,375 00
Newton, .	Twenty-three thousand four hundred and twenty-five dollars, . . .	23,425 00
North Reading, .	One thousand six hundred dollars, . . .	1,600 00
Pepperell, .	Two thousand five hundred and twenty-five dollars, . . .	2,525 00

MIDDLESEX COUNTY—*Concluded.*

Reading, . .	Three thousand five hundred dollars, .	\$3,500 00
Sherborn, . .	Two thousand two hundred dollars, .	2,200 00
Shirley, . .	One thousand eight hundred and twenty-five dollars,	1,825 00
Somerville, . .	Fourteen thousand four hundred dollars,	14,400 00
Stoneham, . .	Three thousand nine hundred and twenty-five dollars,	3,925 00
Stow,	Two thousand one hundred dollars, .	2,100 00
Sudbury, . .	Two thousand seven hundred and fifty dollars,	2,750 00
Tewksbury, . .	One thousand nine hundred and fifty dollars,	1,950 00
Townsend, . .	Two thousand two hundred and twenty-five dollars,	2,225 00
Tyngsborough, . .	Nine hundred and twenty-five dollars,	925 00
Wakefield, . .	Four thousand seven hundred dollars,	4,700 00
Waltham, . .	Thirteen thousand five hundred and seventy-five dollars,	13,575 00
Watertown, . .	Six thousand nine hundred and seventy-five dollars,	6,975 00
Wayland, . .	One thousand seven hundred and fifty dollars,	1,750 00
Westford, . .	Two thousand five hundred dollars, .	2,500 00
Weston, . . .	Two thousand seven hundred and twenty-five dollars,	2,725 00
Wilmington, . .	One thousand four hundred and seventy-five dollars,	1,475 00
Winchester, . .	Three thousand six hundred and fifty dollars,	3,650 00
Woburn, . . .	Thirteen thousand one hundred and twenty-five dollars,	13,125 00
		<u>\$393,025 00</u>

WORCESTER COUNTY.

Worcester
County.

Ashburnham, . .	Two thousand three hundred and fifty dollars,	\$2,350 00
Athol,	Three thousand two hundred and seventy-five dollars,	3,275 00
Auburn,	One thousand three hundred and fifty dollars,	1,350 00
Barre,	Four thousand seven hundred and twenty-five dollars,	4,725 00

WORCESTER COUNTY—*Continued.*

Berlin, . . .	One thousand one hundred and seventy-five dollars, . . .	\$1,175 00
Blackstone, . . .	Five thousand seven hundred and seventy-five dollars, . . .	5,775 00
Bolton, . . .	One thousand eight hundred and twenty-five dollars, . . .	1,825 00
Boylston, . . .	One thousand two hundred and fifty dollars, . . .	1,250 00
Brookfield, . . .	Two thousand eight hundred dollars, . . .	2,800 00
Charlton, . . .	Two thousand five hundred and twenty-five dollars, . . .	2,525 00
Clinton, . . .	Five thousand two hundred and fifty dollars, . . .	5,250 00
Dana, . . .	Seven hundred and fifty dollars, . . .	750 00
Douglas, . . .	Two thousand five hundred and twenty-five dollars, . . .	2,525 00
Dudley, . . .	One thousand nine hundred and fifty dollars, . . .	1,950 00
Fitchburg, . . .	Eleven thousand four hundred and fifty dollars, . . .	11,450 00
Gardner, . . .	Two thousand seven hundred and twenty-five dollars, . . .	2,725 00
Grafton, . . .	Four thousand nine hundred and seventy-five dollars, . . .	4,975 00
Hardwick, . . .	Two thousand eight hundred and seventy-five dollars, . . .	2,875 00
Harvard, . . .	Two thousand four hundred and seventy-five dollars, . . .	2,475 00
Holden, . . .	Two thousand three hundred and fifty dollars, . . .	2,350 00
Hubbardston, . . .	Two thousand and twenty-five dollars, . . .	2,025 00
Lancaster, . . .	Two thousand six hundred and twenty-five dollars, . . .	2,625 00
Leicester, . . .	Four thousand two hundred and fifty dollars, . . .	4,250 00
Leominster, . . .	Five thousand one hundred and seventy-five dollars, . . .	5,175 00
Lunenburg, . . .	One thousand nine hundred and twenty-five dollars, . . .	1,925 00
Mendon, . . .	One thousand eight hundred dollars, . . .	1,800 00
Milford, . . .	Ten thousand one hundred and fifty dollars, . . .	10,150 00
Millbury, . . .	Three thousand nine hundred and seventy-five dollars, . . .	3,975 00
New Braintree, . . .	One thousand four hundred and twenty-five dollars, . . .	1,425 00
Northborough, . . .	Two thousand three hundred and twenty-five dollars, . . .	2,325 00

WORCESTER COUNTY—*Continued.*

Northbridge, . . .	Three thousand one hundred and twenty-five dollars,	\$3,125 00
North Brookfield, . . .	Two thousand nine hundred and fifty dollars,	2,950 00
Oakham,	Nine hundred and fifty dollars,	950 00
Oxford,	Three thousand two hundred and twenty-five dollars,	3,225 00
Paxton,	Eight hundred and fifty dollars,	850 00
Petersham,	One thousand eight hundred and seventy-five dollars,	1,875 00
Phillipston,	Nine hundred dollars,	900 00
Princeton,	Two thousand and fifty dollars,	2,050 00
Royalston,	One thousand nine hundred and fifty dollars,	1,950 00
Rutland,	One thousand four hundred and fifty dollars,	1,450 00
Shrewsbury,	Two thousand seven hundred dollars,	2,700 00
Southborough,	Two thousand five hundred and seventy-five dollars,	2,575 00
Southbridge,	Four thousand seven hundred and twenty-five dollars,	4,725 00
Spencer,	Three thousand nine hundred and twenty-five dollars,	3,925 00
Sterling,	Two thousand eight hundred and twenty-five dollars,	2,825 00
Sturbridge,	Two thousand four hundred and fifty dollars,	2,450 00
Sutton,	Three thousand one hundred dollars,	3,100 00
Templeton,	Two thousand and nine hundred dollars,	2,900 00 .
Upton,	Two thousand nine hundred and seventy-five dollars,	2,975 00
Uxbridge,	Four thousand three hundred dollars,	4,300 00
Warren,	Two thousand eight hundred and twenty-five dollars,	2,825 00
Webster,	Three thousand one hundred and fifty dollars,	3,150 00
Westborough,	Three thousand seven hundred and seventy-five dollars,	3,775 00
West Boylston,	Two thousand four hundred and fifty dollars,	2,450 00
West Brookfield,	One thousand nine hundred and twenty-five dollars,	1,925 00
Westminster,	Two thousand and twenty-five dollars,	2,025 00

WORCESTER COUNTY—*Concluded.*

Winchendon, .	Three thousand four hundred and seventy-five dollars,	\$3,475 00
Worcester, .	Fifty-one thousand and seventy-five dollars,	51,075 00
		<hr/> \$221,750 00

Hampshire
County.

HAMPSHIRE COUNTY.

Amherst, .	Four thousand eight hundred and seventy-five dollars,	\$4,875 00
Belchertown, .	Three thousand one hundred and seventy-five dollars,	3,175 00
Chesterfield, .	One thousand and seventy-five dollars,	1,075 00
Cummington, .	One thousand and twenty-five dollars,	1,025 00
Easthampton, .	Four thousand two hundred and fifty dollars,	4,250 00
Enfield, .	One thousand six hundred dollars,	1,600 00
Goshen, .	Four hundred and fifty dollars,	450 00
Granby, .	One thousand three hundred dollars,	1,300 00
Greenwich, .	Seven hundred and fifty dollars,	750 00
Hadley, .	Three thousand four hundred dollars,	3,400 00
Hatfield, .	Three thousand five hundred and fifty dollars,	3,550 00
Huntington, .	One thousand two hundred dollars,	1,200 00
Middlefield, .	Nine hundred and seventy-five dollars,	975 00
Northampton, .	Twelve thousand three hundred dollars,	12,300 00
Pelham, .	Six hundred and twenty-five dollars,	625 00
Plainfield, .	Seven hundred and twenty-five dollars,	725 00
Prescott, .	Six hundred and fifty dollars,	650 00
South Hadley, .	Two thousand nine hundred and seventy-five dollars,	2,975 00
Southampton, .	One thousand four hundred dollars,	1,400 00
Ware, .	Three thousand seven hundred dollars,	3,700 00
Westhampton, .	Seven hundred and seventy-five dollars,	775 00

HAMPSHIRE COUNTY—*Concluded.*

Williamsburg, .	Two thousand nine hundred and twenty-five dollars,	\$2,925 00
Worthington, .	One thousand one hundred and fifty dollars,	1,150 00
		<hr/> \$51,850 00

HAMPDEN COUNTY.

Hampden
County.

Agawam, . .	Two thousand two hundred and fifty dollars,	\$2,250 00
Blandford, . .	One thousand five hundred dollars, .	1,500 00
Brimfield, . .	One thousand nine hundred and twenty-five dollars,	1,925 00
Chester, . .	One thousand three hundred and fifty dollars,	1,350 00
Chicopee, . .	Eight thousand nine hundred dollars, .	8,900 00
Granville, . .	One thousand five hundred and twenty-five dollars,	1,525 00
Holland, . .	Three hundred and seventy-five dollars,	375 00
Holyoke, . .	Six thousand nine hundred and twenty-five dollars,	6,925 00
Longmeadow, .	Two thousand six hundred and twenty-five dollars,	2,625 00
Ludlow, . .	One thousand three hundred dollars, .	1,300 00
Monson, . .	Three thousand five hundred and seventy-five dollars,	3,575 00
Montgomery, .	Four hundred and fifty dollars, . .	450 00
Palmer, . .	Three thousand five hundred and seventy-five dollars,	3,575 00
Russell, . .	Six hundred and twenty-five dollars, .	625 00
Southwick, . .	One thousand six hundred and fifty dollars,	1,650 00
Springfield, .	Thirty-five thousand six hundred and twenty-five dollars,	35,625 00
Tolland, . .	Eight hundred dollars,	800 00
Wales, . .	Seven hundred and twenty-five dollars, .	725 00
Westfield, . .	Eight thousand eight hundred dollars, .	8,800 00
West Springfield,	Three thousand four hundred and fifty dollars,	3,450 00
Wilbraham, . .	Two thousand four hundred and fifty dollars,	2,450 00
		<hr/> \$90,400 00

Franklin
County.

FRANKLIN COUNTY.

Ashfield, . .	One thousand seven hundred dollars, .	\$1,700 00
Bernardston, .	One thousand three hundred dollars, .	1,300 00
Buckland, . .	One thousand six hundred and seventy-five dollars,	1,675 00
Charlemont, .	One thousand and seventy-five dollars, .	1,075 00
Colrain, . . .	One thousand eight hundred dollars, .	1,800 00
Conway, . . .	Two thousand dollars,	2,000 00
Deerfield, . .	Three thousand four hundred and fifty dollars,	3,450 00
Erving, . . .	Five hundred and twenty-five dollars, .	525 00
Gill,	One thousand and fifty dollars, . . .	1,050 00
Greenfield, . .	Five thousand dollars,	5,000 00
Hawley, . . .	Seven hundred and fifty dollars, . . .	750 00
Heath,	Six hundred and seventy-five dollars, .	675 00
Leverett, . . .	Eight hundred and fifty dollars, . . .	850 00
Leyden, . . .	Seven hundred and fifty dollars, . . .	750 00
Monroe, . . .	Two hundred and fifty dollars,	250 00
Montague, . .	One thousand seven hundred and fifty dollars,	1,750 00
New Salem, .	One thousand and fifty dollars,	1,050 00
Northfield, . .	Two thousand and twenty-five dollars, .	2,025 00
Orange,	One thousand nine hundred and twenty-five dollars,	1,925 00
Rowe,	Five hundred and twenty-five dollars, .	525 00
Shelburne, . .	Two thousand two hundred and twenty-five dollars,	2,225 00
Shutesbury, .	Six hundred and seventy-five dollars, .	675 00
Sunderland, . .	One thousand one hundred and fifty dollars,	1,150 00
Warwick, . . .	Eight hundred dollars,	800 00
Wendell, . . .	Six hundred dollars,	600 00
Whately, . . .	One thousand eight hundred dollars, .	1,800 00
		<hr/> \$37,375 00

BERKSHIRE COUNTY.

Berkshire
County.

Adams, . . .	Nine thousand one hundred and fifty dollars, . . .	\$9,150 00
Alford, . . .	Eight hundred and seventy-five dollars, . . .	875 00
Becket, . . .	One thousand four hundred and twenty-five dollars, . . .	1,425 00
Cheshire, . . .	One thousand nine hundred and fifty-dollars, . . .	1,950 00
Clarksburg, . . .	Four hundred dollars, . . .	400 00
Dalton, . . .	Two thousand four hundred dollars, . . .	2,400 00
Egremont, . . .	One thousand five hundred and twenty-five dollars, . . .	1,525 00
Florida, . . .	Seven hundred dollars, . . .	700 00
Gt. Barrington, . . .	Five thousand seven hundred and seventy-five dollars, . . .	5,775 00
Hancock, . . .	One thousand two hundred and fifty dollars, . . .	1,250 00
Hinsdale, . . .	Two thousand one hundred and fifty dollars, . . .	2,150 00
Lanesborough, . . .	One thousand seven hundred and seventy-five dollars, . . .	1,775 00
Lee, . . .	Four thousand six hundred dollars, . . .	4,600 00
Lenox, . . .	Two thousand two hundred and fifty dollars, . . .	2,250 00
Monterey, . . .	Eight hundred and fifty dollars, . . .	850 00
Mt. Washington, . . .	Two hundred and fifty dollars, . . .	250 00
New Ashford, . . .	Two hundred and seventy-five dollars, . . .	275 00
New Marlboro', . . .	One thousand seven hundred and seventy-five dollars, . . .	1,775 00
Otis, . . .	One thousand dollars, . . .	1,000 00
Peru, . . .	Six hundred dollars, . . .	600 00
Pittsfield, . . .	Sixteen thousand two hundred dollars, . . .	16,200 00
Richmond, . . .	One thousand three hundred and seventy-five dollars, . . .	1,375 00
Sandisfield, . . .	One thousand seven hundred and twenty-five dollars, . . .	1,725 00
Savoy, . . .	Eight hundred and fifty dollars, . . .	850 00
Sheffield, . . .	Three thousand two hundred and seventy-five dollars, . . .	3,275 00
Stockbridge, . . .	Three thousand three hundred and twenty-five dollars, . . .	3,325 00

BERKSHIRE COUNTY—*Concluded.*

Tyringham, .	Eight hundred and twenty-five dollars,	\$825 00
Washington, .	Eight hundred and twenty-five dollars,	825 00
West Stockbridge, .	One thousand eight hundred dollars, .	1,800 00
Williamstown, .	Three thousand one hundred and fifty dollars, .	3,150 00
Windsor, . .	Eight hundred and seventy-five dollars,	875 00
		<hr/> \$75,200 00

Norfolk
County.

NORFOLK COUNTY.

Bellingham, .	One thousand three hundred and fifty dollars, .	\$1,350 00
Braintree, . .	Four thousand four hundred and seventy-five dollars, . .	4,475 00
Brookline, . .	Twenty-seven thousand one hundred and twenty-five dollars, . .	27,125 00
Canton, . . .	Five thousand seven hundred dollars, .	5,700 00
Cohasset, . .	Three thousand one hundred and twenty-five dollars, . .	3,125 00
Dedham, . . .	Twelve thousand four hundred dollars,	12,400 00
Dover,	Nine hundred and fifty dollars, . . .	950 00
Foxborough, .	Three thousand five hundred and fifty dollars,	3,550 00
Franklin, . . .	Two thousand nine hundred dollars, .	2,900 00
Medfield, . . .	One thousand six hundred and fifty dollars,	1,650 00
Medway, . . .	Three thousand five hundred and seventy-five dollars,	3,575 00
Milton,	Nine thousand nine hundred dollars, .	9,900 00
Needham, . . .	Four thousand six hundred and fifty dollars,	4,650 00
Quincy,	Nine thousand nine hundred and twenty-five dollars,	9,925 00
Randolph, . . .	Seven thousand nine hundred dollars, .	7,900 00
Sharon,	One thousand nine hundred and seventy-five dollars,	1,975 00
Stoughton, . .	Five thousand and fifty dollars, . . .	5,050 00
Walpole,	Three thousand and fifty dollars, . .	3,050 00

NORFOLK COUNTY—*Concluded.*

West Roxbury, .	Twenty-four thousand four hundred and seventy-five dollars, . . .	\$24,475 00
Weymouth, .	Nine thousand eight hundred and seventy-five dollars, . . .	9,875 00
Wrentham, .	Three thousand eight hundred and fifty dollars, . . .	3,850 00
		<hr/> \$147,450 00

BRISTOL COUNTY.

Bristol County.

Aeushnet, .	One thousand seven hundred and fifty dollars, . . .	\$1,750 00
Attleborough, .	Six thousand three hundred and fifty dollars, . . .	6,350 00
Berkley, .	Nine hundred and twenty-five dollars, . . .	925 00
Dartmouth, .	Six thousand and two hundred dollars, . . .	6,200 00
Dighton, .	Two thousand two hundred and fifty dollars, . . .	2,250 00
Easton, .	Five thousand and one hundred dollars, . . .	5,100 00
Fairhaven, .	Four thousand and six hundred dollars, . . .	4,600 00
Fall River, .	Thirty-two thousand and three hundred dollars, . . .	32,300 00
Freetown, .	One thousand nine hundred and twenty-five dollars, . . .	1,925 00
Mansfield, .	Two thousand two hundred and fifty dollars, . . .	2,250 00
New Bedford, .	Forty-nine thousand four hundred and twenty-five dollars, . . .	49,425 00
Norton, .	Two thousand three hundred and fifty dollars, . . .	2,350 00
Raynham, .	Two thousand eight hundred and seventy-five dollars, . . .	2,875 00
Rehoboth, .	Two thousand one hundred and fifty dollars, . . .	2,150 00
Seekonk, .	One thousand three hundred and fifty dollars, . . .	1,350 00
Somerset, .	Two thousand four hundred and twenty-five dollars, . . .	2,425 00
Swansey, .	Two thousand and fifty dollars, . . .	2,050 00
Taunton, .	Twenty-two thousand one hundred and twenty-five dollars, . . .	22,125 00
Westport, .	Three thousand nine hundred and seventy-five dollars, . . .	3,975 00
		<hr/> \$152,375 00

Plymouth
County.

PLYMOUTH COUNTY.

Abington, . .	Nine thousand two hundred and seventy-five dollars,	\$9,275 00
Bridgewater, .	Five thousand four hundred and fifty dollars,	5,450 00
Carver, . . .	One thousand three hundred and twenty-five dollars,	1,325 00
Duxbury, . .	Two thousand nine hundred and fifty dollars,	2,950 00
East Bridgewater,	Three thousand five hundred and fifty dollars,	3,550 00
Halifax, . . .	One thousand dollars,	1,000 00
Hanover, . . .	Two thousand and seventy-five dollars,	2,075 00
Hanson, . . .	One thousand three hundred and fifty dollars,	1,350 00
Hingham, . . .	Six thousand three hundred and twenty-five dollars,	6,325 00
Hull,	Four hundred dollars,	400 00
Kingston, . . .	Three thousand three hundred and fifty dollars,	3,350 00
Lakeville, . . .	One thousand six hundred dollars,	1,600 00
Marion,	One thousand two hundred and seventy-five dollars,	1,275 00
Marshfield, . .	Two thousand three hundred and fifty dollars,	2,350 00
Mattapoisett, .	One thousand six hundred and twenty-five dollars,	1,625 00
Middleborough, .	Six thousand and one hundred dollars,	6,100 00
No. Bridgewater,	Six thousand seven hundred and seventy-five dollars,	6,775 00
Pembroke, . . .	One thousand seven hundred dollars,	1,700 00
Plymouth, . . .	Eight thousand five hundred and twenty-five dollars,	8,525 00
Plympton, . . .	Nine hundred dollars,	900 00
Rochester, . . .	One thousand five hundred and seventy-five dollars,	1,575 00
Scituate,	Two thousand five hundred and seventy-five dollars,	2,575 00
South Scituate, .	Two thousand two hundred and seventy-five dollars,	2,275 00
Wareham, . . .	Two thousand seven hundred and twenty-five dollars,	2,725 00
W. Bridgewater,	Two thousand five hundred and fifty dollars,	2,550 00
		<hr/> \$79,600 00

BARNSTABLE COUNTY.

Barnstable
County.

Barnstable, . .	Six thousand two hundred dollars, . .	\$6,200 00
Brewster, . .	Two thousand one hundred dollars, . .	2,100 00
Chatham, . .	Three thousand one hundred and seventy-five dollars,	3,175 00
Dennis, . .	Three thousand four hundred and fifty dollars,	3,450 00
Eastham, . .	Seven hundred and twenty-five dollars,	725 00
Falmouth, . .	Three thousand seven hundred and fifty dollars,	3,750 00
Harwich, . .	Three thousand two hundred dollars,	3,200 00
Orleans, . .	One thousand seven hundred and fifty dollars,	1,750 00
Provincetown, . .	Four thousand three hundred and fifty dollars,	4,350 00
Sandwich, . .	Four thousand six hundred and twenty-five dollars,	4,625 00
Truro, . .	One thousand three hundred dollars,	1,300 00
Wellfleet, . .	Two thousand two hundred dollars,	2,200 00
Yarmouth, . .	Three thousand eight hundred dollars,	3,800 00
		<hr/> \$40,625 00

DUKES COUNTY.

Dukes County.

Chilmark, . .	Nine hundred and fifty dollars,	\$950 00
Edgartown, . .	Two thousand eight hundred and twenty-five dollars,	2,825 00
Gosnold, . .	Two hundred and seventy-five dollars,	275 00
Tisbury, . .	One thousand nine hundred and seventy-five dollars,	1,975 00
		<hr/> \$6,025 00

NANTUCKET COUNTY.

Nantucket
County.

Nantucket, . .	Six thousand and seventy-five dollars,	\$6,075 00
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RECAPITULATION.

Suffolk County, .	Nine hundred and fifty-seven thousand one hundred and twenty-five dollars,	\$957,125 00
Essex County, .	Two hundred and thirty-eight thousand one hundred and twenty-five dollars,	238,125 00
Middlesex County,	Three hundred and ninety-three thousand and twenty-five dollars, .	393,025 00
Worcester County,	Two hundred and twenty-one thousand seven hundred and fifty dollars, .	221,750 00
Hampshire County,	Fifty-four thousand eight hundred and fifty dollars, .	54,850 00
Hampden County,	Ninety thousand four hundred dollars,	90,400 00
Franklin County,	Thirty-seven thousand three hundred and seventy-five dollars, . . .	37,375 00
Berkshire County,	Seventy-five thousand two hundred dollars,	75,200 00
Norfolk County, .	One hundred and forty-seven thousand four hundred and fifty dollars, . .	147,450 00
Bristol County, .	One hundred and fifty-two thousand three hundred and seventy-five dollars,	152,375 00
Plymouth County,	Seventy-nine thousand six hundred dollars,	79,600 00
Barnstable County,	Forty thousand six hundred and twenty-five dollars,	40,625 00
Dukes County, .	Six thousand and twenty-five dollars, .	6,025 00
Nantucket County,	Six thousand and seventy-five dollars,	6,075 00
		\$2,500,000 00

Treasurer of
Commonwealth
to issue war-
rant.

SECTION 2. The treasurer of the Commonwealth shall forthwith send his warrant, with a copy of this act, directed to the selectmen or assessors of each city or town taxed as aforesaid, requiring them, respectively, to assess the sum so charged, according to the provisions of chapter eleven of the General Statutes, and to add the amount of such tax to the amount of town and county taxes to be assessed by them respectively on each city or town.

—to require
selectmen or
assessors to
issue warrant
to city or town
treasurers.

SECTION 3. The treasurer, in his warrant, shall require the said selectmen or assessors to pay, or to issue their several warrant or warrants requiring the treasurers of their several cities or towns to pay to the treasurer of the Commonwealth, on or before the first day of December, in the year one thousand eight hundred and seventy-one, the sums set against said cities or towns in the schedule aforesaid; and the selectmen or assessors, respectively, shall return a certificate of the names of such treasurers, with the sum which each may be required to collect, to the treasurer

Names of treas-
urers, &c., re-
quired to be
returned.

of the Commonwealth, at some time before the first day of October next.

SECTION 4. If the amount due from any city or town, as provided in this act, is not paid to the treasurer of the Commonwealth within the time specified, then the treasurer shall notify the treasurer of said delinquent city or town, who shall pay into the treasury of the Commonwealth, in addition to the tax, such further sum as would be equal to one per centum per month during such delinquency, dating on and after the first day of December next; and if the same remains unpaid after the first day of January next, an information may be filed by the treasurer of the Commonwealth in the supreme judicial court, or before any justice thereof, against such delinquent city or town; and upon notice to such city or town, and a summary hearing thereon, a warrant of distress may issue against such city or town, to enforce the payment of said taxes, under such penalties as said court, or the justice thereof before whom the hearing is had, shall order.

Treasurer of Commonwealth to notify delinquent city or town treasurers.

SECTION 5. This act shall take effect upon its passage.

Approved May 25, 1871.

AN ACT CONCERNING PILOTAGE.

Be it enacted, &c., as follows:

Chap 351

SECTION 1. No vessel of five hundred and fifty tons and under, regularly employed in the coasting trade of the United States and sailing under a coasting license, and no vessel of three hundred and fifty tons and under, sailing under a register, declining the services of a pilot, shall be liable to pay compulsory pilotage into or out of the ports of Boston and Salem, unless said vessel is bound to or from a foreign port.

Coasting vessels of 550 tons, and registered vessels of 350 tons not required to pay compulsory pilotage in Boston and Salem.

Any vessel from a foreign port calling at a coastwise port for a harbor or for orders, to be considered the same as coming from a foreign port.

SECTION 2. Section six of chapter one hundred and seventy-six of the acts of the year eighteen hundred and sixty-two, is hereby amended by striking out all after the word thereof in sixth line, to and including the word fees in the ninth line.

Amendment to 1862, 176, § 6.

SECTION 3. The schedule of general regulations to said act is hereby amended by adding to number ten the following words: provided, the pilot commissioners shall approve of said claim, and by striking out in number sixteen all after the word pilot in the second line, and adding the words: the same rates as vessels engaged in the merchant service.

General regulations amended.

SECTION 4. The special regulations for the harbor of Boston, annexed to said act, are hereby amended by striking

Special regulations amended.

out from line first the word six, and inserting the word five, and by striking out in the sixth line the words first and second and are, and inserting after the word who the word "is."

Rates of pilotage outward for port of Boston.

SECTION 5. The following shall be the rates of pilotage outward for the port of Boston :—

F E E T .	Per Foot.	F E E T .	Per Foot.
<i>From Nov. 1st to April 30th, inclusive.</i>		<i>From May 1st to October 1st, inclusive.</i>	
7,	\$1 65	7,	\$1 44
8,	1 66	8,	1 45
9,	1 67	9,	1 46
10,	1 70	10,	1 49
11,	1 74	11,	1 53
12,	1 78	12,	1 57
13,	2 00	13,	1 80
14,	2 00	14,	1 85
15,	2 10	15,	1 90
16,	2 25	16,	2 00
17,	2 50	17,	2 10
18,	2 75	18,	2 25
19,	3 00	19,	2 50
20,	3 25	20,	2 75
21,	3 50	21,	3 00
22,	3 75	22,	3 25
23,	4 00	23,	3 50
24,	4 25	24,	3 75
25,	5 00	25,	4 00

Rates of pilotage inward for port of Boston.

And the following the rates of pilotage inward for the port of Boston :—

F E E T .	Per Foot.	F E E T .	Per Foot.
<i>Winter.</i>		<i>Summer.</i>	
7,	\$2 64	7,	\$2 25
8,	2 69	8,	2 30
9,	2 73	9,	2 35
10,	2 77	10,	2 40
11,	2 80	11,	2 45
12,	2 85	12,	2 50
13,	2 95	13,	2 55
14,	3 45	14,	3 05
15,	3 50	15,	3 10
16,	3 55	16,	3 20

Pilotage Inward—Concluded.

FEET.		Per Foot.	FEET.		Per Foot.
<i>Winter.</i>			<i>Summer.</i>		
17,		\$3 75	17,		\$3 50
18,		3 80	18,		3 50
19,		4 00	19,		3 75
20,		4 25	20,		4 00
21,		4 50	21,		4 25
22,		4 50	22,		4 50
23,		5 00	23,		5 00
24,		5 00	24,		5 00
25,		5 00	25,		5 00

SECTION 6. All acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

SECTION 7. This act shall take effect upon its passage.

Approved May 25, 1871.

AN ACT FOR THE BETTER PROTECTION OF TRAVELLERS AT RAILROAD CROSSINGS.

Chap. 352

Be it enacted, &c, as follows :

SECTION 1. If a person is injured in his person or property by collision with the engines or cars of a railroad corporation passing over a grade crossing of a public way or travelled place, such as is described in section one of chapter eighty-one of the acts of the year eighteen hundred and sixty-two, and it appears that the corporation neglected to give the signals required by said section, and that such neglect contributed to the injury, the corporation shall be liable for all damages caused by the collision, or to a fine recoverable by indictment, as provided in the ninety-eighth section of the sixty-third chapter of the General Statutes, unless it is shown that, in addition to a mere want of ordinary care, the person injured, or the person having charge of his person or property, was, at the time of the collision, guilty of gross or wilful negligence, or was acting in violation of the law, and that such gross or wilful negligence or unlawful act contributed to the injury.

Damages for injuries received at a grade crossing of a public way.

SECTION 2. This act shall take effect upon its passage.

Approved May 25, 1871.

Chap. 353 AN ACT IN ADDITION TO THE ACT FOR THE IMPROVEMENT OF GREEN HARBOR MARSH, IN THE TOWN OF MARSHFIELD, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows :

Chap. 303 of Acts of 1871 to take effect upon passage of this Act.

SECTION 1. Chapter three hundred and three of the acts of the year eighteen hundred and seventy-one, being an act for the improvement of Green Harbor Marsh in the town of Marshfield, and for other purposes, shall take effect upon the passage of this act.

SECTION 2. This act shall take effect upon its passage.

Approved May 26, 1871.

Chap. 354 AN ACT IN ADDITION TO AN ACT CONCERNING SEWERS AND DRAINS IN THE CITY OF WORCESTER.

Be it enacted, &c., as follows :

Apportionment of assessment under provisions of 1867, 106, § 4.

SECTION 1. If the owner of any real estate which shall be assessed under the provisions of section four of chapter one hundred and six of the acts of the year eighteen hundred and sixty-seven, desires to have the amount of said assessment apportioned, he shall give notice thereof in writing to the mayor and aldermen of the city of Worcester, at any time before a demand is made upon him for the payment thereof; and said mayor and aldermen shall thereupon apportion the said amount into five equal parts, which apportionment shall be certified to the assessors of said city, and the said assessors shall add one of said equal parts to the annual tax of said estate each year for the five years next ensuing; and interest at the rate of seven per centum a year shall be added to each of said parts, from the time of making the apportionment to the time such part will become due and payable; and each of said parts, with the interest which shall accrue thereon, shall constitute a lien upon said real estate, in the same manner as taxes are a lien upon said real estate, and may be collected in the same manner as taxes upon real estate are collected; and all assessments which shall be laid upon real estate for the causes mentioned in said act, shall draw interest at said rate from the time when the same became due and payable until the payment thereof.

Assessments to draw interest at seven per cent.

If assessment is reduced by jury, it can be collected the same as original assessment.

SECTION 2. When any assessment made under authority of said act shall be reduced in amount by the verdict of a jury, the collection of the assessment so reduced may be enforced in the same manner as the original assessment might have been, if no objection had been taken thereto; and in all cases in which the validity or amount of any such assessment shall be drawn in question in any suit, the lien upon the real estate so assessed shall be continued two years from the final determination of such suit.

SECTION 3. Every such assessment upon any real estate, which is invalid by reason of any error or irregularity in the making thereof, and which has not been paid, or which has been recovered back, may be re-made by the mayor and aldermen of said city for the time being, to the amount for which the original assessment ought to have been made.

Invalid assessments may be remade.

SECTION 4. If any such assessment is reduced in amount by a jury, the petitioner shall recover costs against the respondents; if the jury shall not reduce the amount of such assessment, the respondents shall recover costs.

Costs.

SECTION 5. If any person whose land, water-rights, dams or other real estate have been or shall be taken by said city by authority of sections one, two or three of said act, shall not agree with said city upon the amount of the damages to be paid therefor, he may have them assessed by the county commissioners for the county of Worcester, by making a written application therefor at any time within two years of the passage of this act, or within two years after the taking of said land, water-rights, dams or other real estate, and not afterwards; and if either party is dissatisfied with the doings of the commissioners in the estimation of said damages, such party may have them assessed by a jury; and the proceedings shall be conducted and the damages shall be assessed in the same manner and upon the same principles as damages are or may be assessed in the laying out of highways in said city.

Damages to real estate may be assessed by commissioners of Worcester county as in case of land taken for highways.

SECTION 6. In every case of a petition for the assessment of damages, or for a jury, as provided in the preceding section, the said city may offer in court and consent in writing, that a sum therein specified may be awarded as damages to the complainant; and if the complainant shall not accept the same within ten days after he has received notice of such offer, or within such further time as the court shall for good cause grant, and shall not finally recover a greater sum than the sum so offered, not including interest on the sum recovered in damages from the date of the offer, the said city shall be entitled to recover its costs after said date, and the complainant, if he recover damages, shall be allowed his costs only to the date of the offer.

City may consent in court that a specified sum may be awarded to complainant.

SECTION 7. This act shall take effect upon its passage.

Approved May 26, 1871.

AN ACT TO PROVIDE FOR THE CONSTRUCTION OF THE TROY AND GREENFIELD RAILROAD BETWEEN THE WESTERN PORTAL OF THE HOOSAC TUNNEL AND NORTH ADAMS.

Chap. 355

Be it enacted, &c., as follows:

SECTION 1. The governor and council are hereby authorized to acquire, on behalf of the Commonwealth, such land

Land to be acquired for construction of

Troy and Greenfield Railroad between tunnel and depot grounds in N. Adams.

as may be necessary, or the right of way over the same, for the construction of that portion of the Troy and Greenfield Railroad lying between the western portal of the Hoosac tunnel and the depot grounds at North Adams, inclusive of the latter, following essentially the line of location now on file, but with power to amend the same in detail should it seem best. An agent or agents may be employed for the purpose of acquiring said land or right of way, whether by purchase, or by such process as is provided for the acquiring thereof by railroad corporations under existing statutes.

Governor and council may make contracts for construction, &c.

SECTION 2. The governor and council are hereby authorized to make such contracts, for the construction of said railroad in all its parts, as they may find for the interest of the Commonwealth, including the grading of the depot grounds at North Adams.

Appropriation of \$200,000.

SECTION 3. The sum of two hundred thousand dollars is hereby appropriated to be expended in obtaining said land and right of way, and in carrying out said contracts, the same to be raised in accordance with the provisions contained in chapter three hundred and thirty-three of the acts of the year eighteen hundred and sixty-eight.

SECTION 4. This act shall take effect upon its passage.

Approved May 26, 1871.

Chap. 356

AN ACT TO REGULATE THE FEES PAYABLE BY CORPORATIONS UNDER CHAPTER TWO HUNDRED AND TWENTY-FOUR OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY.

Be it enacted, §c, as follows:

Fees for filing and recording certificates under 1870, 224.

SECTION 1. The fee to be paid by any corporation for filing and recording the certificate required by sections eleven and twelve of chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy, shall not be less in any case than five dollars, nor shall it exceed two hundred dollars. The fee for filing and recording the certificate required by section thirty-four of said act, shall be one-twentieth of one per cent. of the amount by which the capital is increased: *provided*, that the amount so to be paid shall not, when added to the amount or amounts previously paid for filing and recording certificates under section eleven or section twelve and under section thirty-four of said act, exceed in any case the sum of two hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved May 26, 1871.

AN ACT TO AUTHORIZE THE ESSEX BRANCH RAILROAD COMPANY TO MORTGAGE ITS ROAD. *Chap. 357*

Be it enacted, &c., as follows :

SECTION 1. The Essex Branch Railroad Company may, upon being authorized by a majority of the votes at a meeting of its stockholders called for the purpose, mortgage its road, franchise, equipments and any of its property, real or personal, to secure a loan to said company not exceeding forty thousand dollars, payable not more than twenty years from the date of such mortgage, and bearing interest not exceeding seven per cent. per annum: *provided*, such loan does not exceed the amount of the capital stock of said company actually paid in by its stockholders. *May mortgage road, franchise, &c. Proviso.*

SECTION 2. This act shall take effect upon its passage.

Approved May 26, 1871.

AN ACT TO ESTABLISH THE CITY OF GLOUCESTER. *Chap. 358*

Be it enacted, &c., as follows :

SECTION 1. The inhabitants of the town of Gloucester shall continue to be a body politic and corporate under the name of the city of Gloucester, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations now incumbent upon and pertaining to the said town as a municipal corporation. *City established.*

SECTION 2. The administration of all the fiscal, prudential and municipal affairs of the said city, with the government thereof, shall be vested in one officer, styled the mayor, one council of eight, to be called the board of aldermen, and one council of twenty-four, to be called the common council, which boards, in their joint capacity, shall be denominated the city council; and the members thereof shall be sworn to the faithful performance of their respective duties. A majority of each board shall constitute a quorum for the transaction of business. And no member of either board shall receive any compensation for his services. *Government. Quorum.*

SECTION 3. The election of city and ward officers shall take place on the first Monday of December of each year; and the municipal year shall begin on the first Monday of January following. *Election on the first Monday of December.*

SECTION 4. It shall be the duty of the selectmen of said town, as soon as may be after the passage of this act and its acceptance, as herein provided, to divide said town into eight wards, to contain, as nearly as conveniently may be, an equal number of voters, which division may be revised by the city council within three years from the passage here- *Division of town into wards.*

- of. The city council may, in the year eighteen hundred and seventy-five, and every fifth year thereafter, make a new division of wards, so that they shall contain, as nearly as may be consistent with well defined limits to each ward, an equal number of voters in each ward according to the census to be taken in the month of May in said years.
- New division of wards every five years.**
- Annual election of ward officers.** SECTION 5. On the first Monday of December, annually, there shall be chosen by ballot, in each of said wards, a warden, clerk and three inspectors of elections, who shall be different persons, residents in the ward, who shall hold their offices one year, and until others are chosen and qualified in their stead. Said wardens shall preside at all ward meetings, with the power of moderators in town meetings; and if at any meeting the warden is not present the clerk shall preside until a warden *pro tempore* is chosen by ballot; if both the warden and clerk are absent, the senior in age of the inspectors present shall preside, until a warden *pro tempore* is chosen; and if all said officers are absent, any legal voter in said ward may preside until a warden *pro tempore* is chosen. When any ward officer is absent, or neglects to perform his duty, his office shall be filled *pro tempore*. The clerk shall record all the proceedings and certify the votes, and deliver to his successor in office all such records and journals, together with all other documents and papers held by him in his said capacity. The inspectors shall assist the warden in receiving, assorting and counting the votes. All said officers shall be sworn to a faithful discharge of their duties; said oath to be administered by the clerk to the warden, and by the warden to the clerk, and to the inspectors, or to either of said officers by any justice of the peace for Essex county; a certificate of such oaths shall be made by the clerk upon the ward records.
- Ward meetings.**
- Clerk and inspectors.**
- Ward officers to be sworn.**
- Meetings of citizens.**
- All warrants for meeting of the citizens for municipal purposes, to be held either in wards or in general meeting, shall be issued by the mayor and aldermen, and shall be in such form, and served and returned in such manner and at such times as the city council shall direct, The compensation of the ward officers shall be fixed by concurrent vote of the city council.
- Mayor.** SECTION 6. The mayor shall be elected by the qualified voters of the city at large, voting in their respective wards, and shall hold his office for the municipal year next following his election, and until another shall be chosen and qualified in his place.
- Aldermen.** SECTION 7. Eight aldermen shall be elected by the qualified voters of the city at large, voting in their respective

wards, who shall hold their offices for one year from the first Monday of January next following their election, and until a majority of the new board are elected and qualified in their place.

SECTION 8. Three common councilmen shall be elected by and from the voters of each ward, who shall, at the time of their election, be residents of the wards respectively in which they are elected, and shall hold their offices for one year from the first Monday of January next following their election, and until a majority of the new board are elected and qualified in their places.

Common councilmen.

SECTION 9. On the first Monday of December annually, the qualified voters in the several wards shall give in their votes by ballot for mayor, aldermen, common councilmen and school committee, in accordance with the provisions of this act; and all the votes so given shall be assorted, declared and recorded in open ward meeting, by causing the names of persons voted for and the number given for each to be written in the ward record at length. The clerk of the ward, within twenty-four hours thereafter, shall deliver to the persons elected members of the common council certificates of their election respectively, signed by the warden and clerk and a majority of the inspectors of elections, and shall deliver to the city clerk a copy of the record of such elections, certified in like manner: *provided, however*, that if the choice of members of the common council shall not be effected on that day in any ward, the meeting in such ward may be adjourned from time to time to complete such election. The board of aldermen shall, within ten days thereafter, examine the copies of the records of the several wards, certified as aforesaid, and shall cause the person who shall have been elected mayor to be notified in writing of his election; but if it shall appear that no person has been elected, or if the person elected shall refuse to accept the office, the board shall issue warrants for a new election, and the same proceedings shall be had in all respects as are herein before provided for the choice of mayor, and from time to time shall be repeated until a mayor shall be chosen and shall accept said office. In case of the decease, resignation or absence of the mayor, or in case of a vacancy in the office of mayor from any cause, or of his inability to perform the duties of his office, it shall be the duty of the board of aldermen and common council respectively, by vote to declare that a vacancy exists, and the cause thereof; and thereupon the two boards shall meet in convention and elect a mayor to fill such vacancy; and the mayor thus

Election on first Monday of December annually.

Certificates of election.

Meeting may be adjourned if there is no choice of councilmen.

Mayor elect to be notified by aldermen.

In case of failure to elect or refusal to accept.

Aldermen and councilmen to meet in convention first Monday of January, and be sworn.

Common council to be organized by choice of president and clerk.

City council to organize in absence or non-election of mayor, who may be sworn afterwards.

President of board of aldermen *pro tem*.

Each board to keep record of proceedings.
Vacancies.

Mayor to be chief executive officer of the city.

elected shall hold his office until the inability causing such vacancy shall be removed, or until a new election. Each alderman shall be notified in writing of his election by the mayor and aldermen for the time being. The oath prescribed by this act shall be administered to the mayor by the city clerk, or by any justice of the peace for the county of Essex. The aldermen and common councilmen elect shall, on the first Monday of January, at ten o'clock in the forenoon, meet in convention, when the oath required by this act shall be administered to the members of the two boards present, by the mayor, or by any justice of the peace for the county of Essex; and a certificate of such oath having been taken, shall be entered on the journal of the mayor and aldermen and of the common council by their respective clerks. And whenever it shall appear that a mayor has not been elected previous to the first Monday of January aforesaid, the mayor and aldermen for the time being shall make a record of that fact, an attested copy of which the city clerk shall read at the opening of the convention to be held as aforesaid. After the oath has been administered as aforesaid, the two boards shall separate, and the common council shall be organized by the choice of a president and clerk, to hold their offices respectively during the pleasure of the common council, the clerk to be under oath faithfully to perform the duties of his said office. In case of the absence of the mayor elect on the first Monday of January, or if the mayor shall not then have been elected, the city council shall organize itself in the manner herein before provided, and may proceed to business in the same manner as if the mayor was present; and the oath of office may, at any time thereafter, in convention of the two boards, be administered to the mayor and any member of the city council who may have been absent at the organization. In the absence of the mayor, the board of aldermen may choose a presiding officer *pro tempore*, who shall also preside at the joint meetings of the two boards. Each board shall keep a record of its own proceedings, and judge of the election of its own members; and in case of failure of election, or in case of vacancy declared by either board, the mayor and aldermen shall issue their warrant for a new election.

SECTION 10. The mayor shall be the chief executive officer of the city. It shall be his duty to be active and vigilant in causing the laws and regulations of the city to be enforced, and to keep a general supervision over the conduct of all subordinate officers. And he may, whenever in his

opinion the public good may require, remove, with the consent of the appointing power, any officer over whose appointment he has, in accordance with the provisions of this charter, exercised the power of nomination. He may call special meetings of the boards of aldermen and common council, or either of them, when in his opinion the interests of the city require it, by causing notice to be left at the usual place of residence of each member of the board or boards to be convened. He shall from time to time communicate to both boards such information and recommend such measures as the business and interests of the city may in his opinion require. He shall preside in the board of aldermen, and in convention of the two boards, but shall have a casting vote only. His salary for the first five years, under this charter, shall be fixed by the city council, but shall not exceed the sum of five hundred dollars per annum. Afterwards it shall be such as the city council shall determine. It shall be payable at stated periods, but shall not at any time be increased or diminished during the year for which he is chosen. He shall receive no other compensation.

— may remove officers with consent of the appointing power.

— may call special meetings of boards.

— to preside in board of aldermen, and in convention. Salary.

SECTION 11. Every ordinance, order, resolution or vote to which the concurrence of the board of aldermen and of the common council may be necessary, except on a question of a convention of the two branches, and every order of either branch involving the expenditure of money, shall be presented to the mayor; if he approves thereof, he shall signify his approbation by signing the same; but if not, he shall return the same with his objections to the branch in which it originated, who shall enter the objections of the mayor at large on their records, and proceed to reconsider said ordinance, order, resolution or vote; and if, after such reconsideration two-thirds of the board of aldermen or common council present and voting thereon notwithstanding such objections, agree to pass the same, it shall together with the objections, be sent to the other branch of the city council if it originally required concurrent action, where it shall also be reconsidered, and if approved by two-thirds of the members present, it shall be in force; but in all cases the vote shall be determined by yeas and nays. If any such ordinance, order, resolution or vote shall not be returned by the mayor within ten days (Sundays excepted) after it shall have been presented, the same shall be in force. But the veto power of the mayor shall not extend to the election of officers required by any law or ordinance to be chosen by the city council in convention or by concurrent action, unless

Veto power of the mayor.

expressly so provided therein. In all cases where anything is or may be required or authorized by any law or ordinance to be done by the mayor and aldermen, the board of aldermen shall first act thereon; and any order, resolution or vote of said board shall be presented to the mayor for his approval, in the manner provided in this section.

Executive power vested in mayor and aldermen.

SECTION 12. The executive power of said city generally, and the administration, with all the powers heretofore vested in the selectmen of Gloucester, shall be vested in and may be exercised by the mayor and aldermen as fully as if the same were herein specially enumerated. The mayor and aldermen shall have full and exclusive power to appoint a constable or constables, and a city marshal and assistants, with the powers and duties of constables, and all police officers, and the same to remove at pleasure. And the mayor and aldermen may require any person who may be appointed marshal or constable of the city to give bonds for the faithful discharge of the duties of the office, with such security and to such amount as they may deem reasonable and proper, upon which bonds the like proceedings and remedies may be had as are by law provided in case of constables' bonds, taken by the selectmen of towns. The compensation of the police shall be fixed by the mayor and aldermen, and the compensation of the other subordinate officers shall be fixed by concurrent vote of the city council. The city council shall have the care and superintendence of the city buildings and the custody and management of all city property, with power to let or to sell what may legally be let or sold, and to purchase property, real or personal, in the name and for the use of the city whenever its interests or convenience may, in their judgment, require it. And they shall, as often as once a year, cause to be published for the use of the inhabitants, a particular account of the receipts and expenditures, and a schedule of city property and of the city debts.

City marshal, constables and police officers.

Compensation of police.

City council to have care of public property.

Annual report of receipts, expenditures, &c.

Appointments by mayor and aldermen, how made.

SECTION 13. In all cases in which appointments are directed to be made by the mayor and aldermen, the mayor shall have the exclusive power of nomination, being subject, however, to confirmation or rejection by the board of aldermen; and no person shall be eligible by appointment or election to any office of emolument, the salary of which is payable out of the city treasury, who, at the time of such appointment or election, shall be a member of the board of aldermen or of the common council. All sittings of the mayor and aldermen, of the common council, and of the city council, shall be public, when they are not engaged in executive business.

Sittings not executive to be public.

SECTION 14. The city council shall annually, as soon after their organization as may be convenient, elect by joint ballot in convention, a treasurer, collector of taxes, city clerk, one or more superintendents of highways, and city physician, and by concurrent vote a city solicitor and city auditor, who shall hold their offices respectively for the term of one year, and until their successors shall be chosen and qualified: *provided, however*, that either of the officers named in this section may be removed at any time by the city council for sufficient cause.

Treasurer, collector, city clerk, &c., to be elected by joint ballot in convention.

Proviso.

SECTION 15. The city council shall annually, in the month of January, elect by joint ballot in convention, a chief engineer of the fire department, and as many assistant engineers, not exceeding eight, as they may deem expedient, who shall hold their offices for the term of one year from the first Monday of February next ensuing, and until their successors are chosen and qualified. The city council may at any time remove any elected member of the said board from office for cause. The compensation of the foregoing officers mentioned in the last two sections shall be fixed by concurrent vote of the city council.

Chief engineer to be elected by joint ballot.

Compensation to be fixed by concurrent vote.

SECTION 16. The city clerk shall also be clerk of the board of aldermen, and shall be sworn to the faithful performance of his duties. He shall perform such duties as shall be prescribed by the board of aldermen; and he shall perform all the duties and exercise all the powers incumbent by law upon him. He shall deliver to his successor in office as soon as chosen and qualified, all journals, records, papers, documents or other things held by him in his capacity as city clerk.

City clerk, duties, &c.

SECTION 17. The city council shall, in such manner as they shall determine, elect or appoint all other subordinate officers, for whose election or appointment other provision is not herein made, define their duties and fix their compensation.

City council to appoint other officers.

SECTION 18. All city and ward officers shall be held to discharge the duties of the offices to which they have been respectively elected, notwithstanding their removal after their election out of their respective ward into any other wards of the city; but a permanent residence out of the city, shall cause a vacancy to exist in the offices to which they were elected.

City officers to discharge their duties after removal to another ward.

SECTION 19. The city council shall take care that no money be paid from the treasury unless granted or appropriated, and shall secure a just and proper accountability by requiring bonds with sufficient penalties and sureties from all

Payments from the treasury.

persons intrusted with the receipt, custody or disbursement of money.

Overseers of
the poor to be
elected by joint
ballot.

SECTION 20. The city council elected in December, in the year eighteen hundred and seventy-one, shall, as soon after their organization as may be convenient, elect by joint ballot in convention three persons to be overseers of the poor, one for three years, one for two years and one for one year; and thereafter the city council shall annually, as soon after their organization as may be convenient, elect in the same manner one person who shall hold his office for the term of three years next ensuing, and until another shall be elected and qualified in his stead. The persons so elected shall, with the mayor and president of the common council, constitute the board of the overseers of the poor. The mayor shall be *ex officio* chairman of the board. Vacancies occurring in the board may be filled by joint ballot of the city council at any time; the member so elected to hold office only for the unexpired term of the member who has ceased to hold office. The city council may at any time remove any elected member of the said board from office for cause. The compensation of the overseers of the poor shall be fixed by concurrent vote of the city council. The board shall be organized annually on the third Monday in January, or as soon thereafter as may be convenient.

Vacancies.

Assessors of
taxes to be
elected by con-
current vote.

SECTION 21. The city council elected in December, in the year eighteen hundred and seventy-one, shall as soon after their organization as may be convenient, elect by concurrent vote three persons to be assessors of taxes, one for three years, one for two years and one for one year; and thereafter the city council shall annually, as soon after their organization as may be convenient, elect in the same manner, one person who shall hold his office for the term of three years next ensuing, and until another shall be elected and qualified in his stead. The persons so elected shall constitute the board of assessors, and shall exercise the powers, and be subject to the liabilities and duties of assessors in towns. Vacancies occurring in the board may be filled by concurrent vote of the city council at any time, the number so elected to hold office only for the unexpired term of the member who has ceased to hold office. All taxes shall be assessed, apportioned and collected in the manner prescribed by the general laws of the Commonwealth: *provided, however*, that the city council may establish further or additional provisions for the collection thereof. The compensation of the assessors shall be fixed by concurrent vote of the city council.

Vacancies.

SECTION 22. The qualified voters of each ward, at their respective annual ward meetings for the choice of officers, shall elect by ballot one person in each ward, who shall be a resident of said ward, to be an assistant assessor, whose compensation shall be fixed by the city council; and it shall be the duty of the persons so chosen to furnish the assessors with all necessary information relative to persons and property taxable in their respective wards; and they shall be sworn to the faithful performance of their duty.

Assistant-assessors.

SECTION 23. The qualified voters of the city shall, on the first Monday of December, in the year eighteen hundred and seventy-one, elect by ballot twelve persons to be members of the school committee, four to be chosen for three years, four for two years, and four for one year, from the first Monday of January, in the year eighteen hundred and seventy-two; and thereafter four persons shall be chosen, at each annual meeting, for the term of three years from the first Monday of January next ensuing; and the persons so chosen shall, with the mayor, constitute the school committee, and have the care and superintendence of the public schools. The mayor shall be *ex officio* chairman of the board. And all the rights and obligations of the town of Gloucester, in relation to the grant and appropriation of money to the support of the schools, and the special powers and authority heretofore conferred by law upon the inhabitants of said town, to raise money for the support of schools therein, shall be merged in the powers and obligations of the city, to be exercised in the same manner as over other subjects of taxation; and all grants and appropriations of money for the support of schools and the erection and repair of school-houses in said city shall be made by the city council, in the same manner as grants and appropriations are made for other city purposes.

School committee.

Mayor to be chairman of board.

SECTION 24. Should there fail to be a choice of members of the school committee or assistant assessors on the day of the annual election, the vacancies occurring by such failure shall be filled, in the case of school committee, by a joint ballot of the city council and school committee, and in the case of assistant assessor by a concurrent vote of the city council; and vacancies thereafter occurring shall be filled in like manner.

Vacancies in school committee and assistant-assessors, how filled.

SECTION 25. The city council shall have exclusive authority and power to lay out any new street or town way, or sidewalks, and fix the width, height and grade of the same, and to estimate the damages any individual may sustain thereby; but the same shall first be acted upon by the mayor

City council to lay out streets, fix grades and estimate damages.

and aldermen, and any person dissatisfied with the decision of the city council in the estimate of damages, may make complaint to the county commissioners of the county of Essex, at any meeting held within one year after such decision, whereupon the same proceedings shall be had as are now provided by the laws of this Commonwealth, in cases where persons are aggrieved by the assessment of damages by selectmen, in the forty-third chapter of the General Statutes.

City council may make by-laws for inspection of lumber, coal, &c.

— may make such by-laws as towns have power to make.

Proviso.

Election of national, state, county and district officers.

Lists of voters to be made out ten days prior to elections and delivered to ward clerks.

— to be posted in each ward.

SECTION 26. The city council may make by-laws with suitable penalties, for the inspection and survey, measurement and sale of lumber, wood, hay, coal and bark, brought into or exposed in the city for sale, and shall have the same powers as the town had in reference to the suspension of the laws for the protection and preservation of useful birds, and of all other laws, the operation or suspension of which is subject to the action of the town thereon. The city council may also make all such salutary and needful by-laws as towns by the laws of this Commonwealth have power to make and establish, and to annex penalties not exceeding twenty dollars for the breach thereof, which by-laws shall take effect and be in force from and after the time therein respectively limited, without the sanction of any court, but subject to the approval of the mayor: *provided, however*, that all laws and regulations in force in the town of Gloucester shall, until they shall expire by their own limitation, or be revised or repealed by the city council, remain in force; and all fines and forfeitures for the breach of any by-law or ordinance shall be paid into the city treasury.

SECTION 27. All elections of national, state, county and district officers, who are voted for by the people, shall be held at meetings of the citizens qualified to vote at such elections in their respective wards, at the time fixed by law for these elections respectively.

SECTION 28. Ten days prior to every election, the mayor and aldermen shall make out lists of all the citizens of each ward qualified to vote in such elections, in the manner in which selectmen of towns are required to make out lists of voters; and for that purpose they shall have full access to the assessors' books and lists, and are empowered to call for the assistance of the assessors, assistant assessors and other city officers; and they shall deliver the lists so prepared and corrected to the clerks of the several wards, to be used at such elections; and no person shall be entitled to vote whose name is not borne on such list. A list of the voters in each ward shall be posted in one or more public places in each ward.

SECTION 29. General meetings of the citizens qualified to vote may from time to time be held to consult upon the public good, to instruct their representatives and to take all lawful means to obtain redress for any grievances, according to the right secured to the people by the constitution of this Commonwealth, and such meetings may and shall be duly warned by the mayor and aldermen, upon the request in writing, setting forth the purposes thereof, of fifty qualified voters.

General meetings of citizens.

SECTION 30. All power and authority now vested by law in the board of health of the town of Gloucester, or in the selectmen thereof, shall be transferred to and vested in the city council, to be by them exercised in such manner as they may deem expedient.

Powers of board of health to be vested in city council.

SECTION 31. All power and authority now vested in the selectmen of said town in relation to the fire department in said town, shall be transferred to and vested in the mayor and aldermen; but the city council shall have power to establish fire limits within said city, and from time to time change and enlarge the same; and by ordinance they shall regulate the construction of all buildings erected within said fire limits, stipulating their location, size and the materials of which they shall be constructed, together with such other rules and regulations as shall tend to insure the same from damage by fire.

Powers of selectmen in relation to fire department to be transferred to mayor and aldermen.

Council may establish fire limits, and regulate construction of buildings.

SECTION 32. All acts and parts of acts inconsistent with this act are hereby repealed: *provided, however*, that the repeal of the said acts shall not affect any act done, or any right accruing or accrued or established, or any suit or proceeding had or commenced in any civil case before the time when such repeal shall take effect; and that no offence committed, and no penalty or forfeiture incurred under any act hereby repealed, and before the time when such repeal shall take effect, shall be affected by the repeal; and that no suit or prosecution pending at the time of the said repeal, for any offence committed or for the recovery of any penalty or forfeiture incurred under said acts, shall be affected by such repeal; and *provided, also*, that all persons who, at the time of the said repeal taking effect, shall hold any office under the said acts, shall continue to hold the same until the organization of the city government, contemplated by this charter, shall be completely effected.

Repeal.

Proviso.

SECTION 33. For the purpose of organizing the system of government hereby established, and putting the same in operation in the first instance, the selectmen of the town of Gloucester, for the time being, shall issue their warrants

First meeting for election of city officers.

seven days at least previous to the first Monday of December of the present year, calling meetings of the citizens of each ward on that day, at such place and hour as they may deem expedient, for the purpose of choosing a warden, clerk and inspectors of each ward, and all other officers whose election is provided for in the preceding sections of this act; and the transcripts of the records in each ward specifying the votes given for the several officers aforesaid, certified by the warden and clerk of the ward at said first meeting, shall be returned to said selectmen, whose duty it shall be to examine and compare the same; and in case such elections should not be completed at the first meeting, then to issue new warrants until such elections shall be completed, and to give notice thereof in manner before provided, to the several persons elected. And at said first meeting a list of voters in each ward, prepared and corrected by the selectmen for the time being, shall be delivered to the clerk of each ward, when elected, to be used as herein before provided. After the choice of the city officers as aforesaid, or a majority of both boards, the selectmen shall appoint a place for their first meeting, and shall, by written notice left at the place of residence of each member, notify them thereof. And after this first election of city officers, and this first meeting for the organization of the city council, according to the provisions of section nine of this act, as provided for in this section, the day of holding the annual elections, and the day and hour for the meeting of the city council for the purpose of organization, shall remain as provided in said ninth section of this act. It shall be the duty of the city council, immediately after the first organization, to carry into effect the several provisions of this act.

Act void unless
accepted by a
majority vote
within ninety
days.

SECTION 34. This act shall be void, unless the inhabitants of the town of Gloucester, at a legal town meeting called for that purpose, shall within ninety days from the passage of this act, by a vote of a majority of the voters present, voting thereon as hereinafter provided, determine to adopt the same. At said meeting the votes shall be taken by written or printed ballots, and the polls shall be kept open not less than six hours. The selectmen shall preside in said meeting, and in receiving said ballots shall use the check-lists in the same manner as they are used in elections of state officers.

SECTION 35. This act shall go into operation from and after its passage.

Approved May 26, 1871.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF DUKES COUNTY TO BUILD A BRIDGE OVER MENAMSHA CREEK. *Chap. 359*

Be it enacted, &c., as follows :

SECTION 1. The county commissioners of Dukes County are hereby authorized and empowered, if in their judgment the public necessity and convenience so require, to lay out, at such place as they may determine, a public way and construct a bridge across Menamsha Creek, in the towns of Gay Head and Chilmark, as part of the road authorized by the fifth section of chapter two hundred and thirteen of the acts of the year eighteen hundred and seventy.

County commissioners may construct bridge over Menamsha Creek.

SECTION 2. Plans of the proposed bridge, with specifications of the mode in which the work is to be performed, shall be submitted to the determination and approval of the board of harbor commissioners, as is provided in the act establishing said board, passed in the year eighteen hundred and sixty-six.

Plans of bridge to be submitted to harbor commissioners for approval.

SECTION 3. Said county commissioners, in laying out and constructing said public way and bridge, shall in all respects proceed as is now provided by law for laying out and constructing highways; and shall, after due public notice and hearing of all parties in interest, proceed to determine and award what towns in said county receive particular and special benefit from the construction and maintenance of said way and bridge, and to apportion and assess upon said county and such towns, and in such manner and amount as they shall deem equitable and just, the cost of maintenance of such public way and bridge; and said bridge shall be kept in repair under the direction of the said county commissioners.

To be laid out and constructed as in case of highways.

Repair of bridge.

SECTION 4. The said county commissioners are authorized to borrow, on the credit of said county, such sums of money as may be needed for the construction of said bridge and of the road named in the fifth section of chapter two hundred and thirteen of the acts of the year eighteen hundred and seventy: *provided*, the whole sum expended shall not exceed the amount provided for in the said fifth section.

Commissioners may borrow money on the credit of county.

Proviso.

SECTION 5. This act shall be void unless said county commissioners shall lay out such way and build such bridge within two years from its passage.

Bridge to be built within two years.

SECTION 6. This act shall take effect upon its passage.

Approved May 26, 1871.

Chap. 360 AN ACT TO ESTABLISH THE SALARY OF THE ASSISTANT-REGISTER OF PROBATE FOR THE COUNTY OF NORFOLK.

Be it enacted, &c., as follows :

Annual salary
of \$1,100.

SECTION 1. The assistant-register of probate and insolvency for the county of Norfolk shall receive an annual salary of eleven hundred dollars, payable from the first day of January of the present year.

SECTION 2. This act shall take effect upon its passage.

Approved May 26, 1871.

Chap. 361 AN ACT IN ADDITION TO AN ACT FOR SUPPLYING THE CITY OF WORCESTER WITH PURE WATER.

Be it enacted, &c., as follows :

City of Worcester to be supplied with pure water.

SECTION 1. The city of Worcester may take and hold any land not exceeding ten rods in width, on and around any pond, stream or reservoir, which has been or shall be taken, held or owned by said city by authority of any of the acts for supplying said city with pure water, so far as may be necessary for the preservation and purity of the same.

To take land and file description thereof in registry of deeds within sixty days.

SECTION 2. The said city shall, within sixty days from the time its city council shall vote to take any lands or ponds or streams of water, by authority of this or any former act, file in the office of the registry of deeds for the county of Worcester, a description of the lands, ponds or streams of water so taken as certain as is required in a common conveyance of lands, and a statement of the purpose for which the same are taken, which description and statement shall be signed by the mayor of said city, and the property so taken shall vest in said city from the time of the filing of said description and statement.

City liable for damages.

SECTION 3. The city of Worcester shall be liable to pay all damages that shall be sustained by any persons in their property by the taking of any land, water or water-rights as aforesaid, or by the constructing of any aqueducts, reservoirs or other works by authority of any of said acts ; and if the owner of any land, water or water-rights which shall be taken as aforesaid, or other person who shall sustain damage as aforesaid, shall not agree with said city upon the damages to be paid therefor, he may apply by petition for the assessment of his damages at any time within three years from the taking of the said land, water or water-rights as aforesaid, and not afterwards, to the superior court in the county of Worcester. Such petition may be filed in the clerk's office in vacation or term time, and the clerk shall thereupon issue a summons to the city of Worcester, returnable, if issued in vacation, to the then next term of said

court, to be held after the expiration of fourteen days from the filing of said petition, and if in term time, returnable on such day as the court shall order, to appear and answer said petition; the said summons shall be served fourteen days at least before the return day thereof by leaving a copy thereof, and of the said petition, certified by the officer who shall serve the same, with the mayor or clerk of said city; and the court may, upon default or hearing of the said city, appoint three commissioners, who shall, after reasonable notice to the parties, assess the damages, if any, which such petitioner shall have sustained as aforesaid; and the award of said commissioners, or of the major part of them, being returned into and accepted by the said court, shall be final, and judgment shall be rendered and execution issued for the prevailing party, with costs, unless one of said parties shall claim a trial by jury, as hereinafter provided.

Commissioners to be appointed to assess damages.

SECTION 4. If either of the parties mentioned in the preceding section shall be dissatisfied with the amount of damages awarded as therein expressed, such party may at the term at which such award was accepted or the next term thereafter, claim in writing a trial in said court, and have a jury to hear and determine at the bar of said court all questions of fact relating to such damages and to assess the amount thereof, and the verdict of the jury, being accepted and recorded by the court, shall be final and conclusive, and judgment shall be rendered and execution issued thereon; and costs shall be recovered by the said parties, respectively, in the same manner as is provided by law in other civil actions in said court.

If dissatisfied with award, parties may have a trial by jury.

SECTION 5. In every case of a petition for the assessment of damages, as provided in the preceding sections, the said city may at any time after the entry thereof, offer in court and consent in writing that a sum therein specified may be awarded as damages to the petitioners; and if the petitioner shall not accept the same within ten days after he has received notice of such offer or within such further time as the court shall for good cause grant, and shall not finally recover a greater sum than the sum so offered, not including interest on the sum recovered in damages from the date of the offer, the said city shall be entitled to recover its costs after said date, and the petitioner, if he recover damages, shall be allowed his costs only to the date of the offer.

City may consent in court that a specified sum may be awarded as damages.

Costs.

SECTION 6. If any person shall use any of the water which shall be taken as aforesaid, without the consent of the city of Worcester, an action of tort may be maintained against him by the city for the recovery of damages therefor; and if any

Penalties for diverting water or rendering the same impure.

person shall wantonly or maliciously divert, obstruct or retain the water, or any part thereof of any pond, brook, reservoir, or water-course, taken or held by said city as aforesaid, or shall corrupt or render impure the same, or destroy or injure any dam, reservoir, aqueduct, conduit, pipe, hydrant, machinery or other works or property, held, owned or used by said city, by authority of any of said acts, every such person shall forfeit and pay to said city of Worcester three times the amount of the damages that shall be assessed therefor in an action of tort in the name of said city; and every such person, on indictment and conviction of either of said wanton and malicious acts, shall be punished by a fine not exceeding one thousand dollars and imprisonment in the house of correction not exceeding one year, or by imprisonment in the state prison not exceeding ten years.

City not to take water not now authorized by law.

SECTION 7. Nothing in this act shall be construed to authorize said city to take any pond or stream of water, or any water-rights, which said city is not now authorized by law to take.

SECTION 8. This act shall take effect upon its passage.

Approved May 26, 1871.

Chap. 362

AN ACT TO INCORPORATE THE HOLYOKE AND NORTHAMPTON BOOM AND LUMBER COMPANY.

Be it enacted, &c, as follows:

Corporators.

SECTION 1. Edwin Chace, John C. Newton, Stephen Barker, their associates and successors, are hereby constituted a body corporate for the term of twenty years, by the name of the Holyoke and Northampton Boom and Lumber Company; and by that name may sue and be sued, have a common seal, make by-laws not inconsistent with the laws of this state for the management of its corporate business, and have and enjoy all the rights, privileges and powers of similar corporations.

Powers and duties.

Capital stock and shares.

SECTION 2. The capital stock of said corporation shall not be less than one hundred thousand dollars, and not more than two hundred thousand dollars, divided into shares of one hundred dollars each; and said corporation may, under such regulations as may from time to time be established by the selectmen of the towns of Northampton, Hadley and Hatfield, erect and maintain a boom, with sufficient piers and fastenings, across the Connecticut River, in the towns of Easthampton and Hadley, for the purpose of stopping and securing logs, masts, spars, wood and other lumber, and turning the same into the Oxbow, so called: *provided*, that said boom shall be constructed so as not to prevent the pas-

Boom across Connecticut River in Easthampton and Hadley.

sage of boats and lumber of other parties who may wish to pass the same through said boom ; and said corporation shall at its own expense remove all obstructions to the free passage of said boats and lumber. It may also construct and maintain a boom from the shore at Holyoke, to an island in the Connecticut River a short distance above the Holyoke dam ; but nothing contained in this act shall give to said corporation any right to use the shores of said river without the consent of the owner or owners thereof, and if any person shall suffer damage by means of building or hanging said boom or booms, such person may have the same remedy for such damage as if this act had never passed.

Boom, from shore at Holyoke to an island in the river.

SECTION 3. The said corporation shall boom logs and lumber of other parties, who may request the same to be done, and shall be allowed for all logs and lumber boomed and secured a toll or boomage of not more than fifty cents per thousand feet, board measure ; and the corporation shall have a lien on all logs and lumber thus boomed and secured for the payment of such toll or boomage.

May boom logs for others and receive toll therefor.

SECTION 4. If any logs or lumber shall remain in said boom for more than four months, and the owners thereof, or no person in their behalf shall appear to claim the same and take delivery thereof, and to pay the toll or boomage thereon, the said corporation shall advertise the same to be sold at public auction, giving two months' notice of the time and place of sale, and a description of the marks upon said logs or lumber, and the number thereof, and shall cause said notice to be published three weeks successively in the "Springfield Republican" and the newspapers published in the town of Northampton ; and said logs or lumber shall be sold accordingly, if the owners or no person in their behalf shall, before the time of sale, appear as aforesaid to claim the same and pay the toll or boomage and all expenses incurred under the provisions of this act regarding the same ; and the said corporation, after deducting the toll or boomage and all necessary charges thereon, shall pay the net proceeds of such sale into the treasury of the county of Hampshire, and shall deposit with the treasurer a statement of the quantity of each mark, and the amount for which the quantity of each mark sold, and if within one year of the time of sale an owner appears and proves his property in any logs or lumber so sold, the net proceeds of the sale thereof shall be paid to such owner by the treasurer of said county, and the balance shall remain for the use of the county of Hampshire.

Logs may be sold to pay charges, if they remain in the boom more than four months.

SECTION 5. Said corporation shall also have the right to purchase, manufacture and sell logs and lumber, and to pur-

May manufacture lumber, &c.

chase and hold timber lands, and to erect and operate mills and appurtenances thereto.

SECTION 6. This act shall take effect upon its passage.

Approved May 26, 1871.

Chap. 363

AN ACT TO REGULATE FREIGHT CHARGES ON RAILROADS.

Be it enacted, &c., as follows:

Railroads not to charge more for freight to any station on road, than to a station at a greater distance in the same direction.

SECTION 1. No railroad corporation shall charge or receive for the transportation of freight to any station on its road, a greater sum than is at the time charged or received for the transportation of the like class and quantity of freight from the same original point of departure to a station at a greater distance on its road in the same direction.

Two or more connecting railroads not to charge more for freight than a station at greater distance in same direction.

SECTION 2. Two or more railroad corporations whose roads connect, shall not charge or receive for the transportation of freight to any station on the road of either of them, a greater sum than is at the time charged or received for the transportation of the like class and quantity of freight from the same original point of departure to a station at a greater distance on the road of either of them in the same direction.

Construction of act.

SECTION 3. In the construction of this act, the sum charged or received for the transportation of freight shall include all terminal charges; and the road of a corporation shall include all the road in use by such corporation, whether owned or operated under a contract or lease.

Approved May 26, 1871.

Chap. 364

AN ACT TO EXTEND THE TIME FOR THE LOCATION AND CONSTRUCTION OF THE WINTHROP RAILROAD.

Be it enacted, &c., as follows:

Time for location and construction extended.

SECTION 1. That the time for the location and construction of the Winthrop Railroad Company, and for filing the certificate required by the sixth section of the two hundred and twenty-ninth chapter of the acts of eighteen hundred and sixty-four, is hereby extended to the first day of June, eighteen hundred and seventy-three.

SECTION 2. This act shall take effect upon its passage.

Approved May 26, 1871.

Chap. 365

AN ACT TO AMEND AN ACT RELATING TO THE STATE VISITING AGENCY AND JUVENILE OFFENDERS.

Be it enacted, &c., as follows:

Amendment to 1870, 359, § 7.

Section seven of chapter three hundred and fifty-nine of the acts of the year eighteen hundred and seventy, is hereby amended by striking out the word "sixteen" where it appears, and substituting the word "seventeen"; and by adding the words "police, district and municipal courts and trial

justices may issue warrants against persons under seventeen years of age charged with such offences, committed in any county other than Suffolk County." Warrants so issued shall be returnable before the judge of the probate court for the county in which the offence is alleged to have been committed, and the officer making the arrest shall take the person so arrested, with the warrant and complaint, before such judge of the probate court, who shall have jurisdiction thereof in like manner as if the complaint had been made before him.

Warrants returnable before judge for county in which offence is committed.

Section ten of said chapter is hereby amended by inserting after the words "state primary school," in the fifth line, the words, "or if the child prove unmanageable to transfer and commit to the state reform, nautical or industrial school, subject to such conditions of sex and age as are now defined by law for admission to said schools."

Amendment to 1870, 359, § 10.

Approved May 26, 1871.

AN ACT TO AMEND SECTION SEVENTEEN OF CHAPTER ONE HUNDRED AND FORTY-FIVE OF THE GENERAL STATUTES, CONCERNING INFORMATION IN THE NATURE OF QUO WARRANTO.

Chap. 366

Be it enacted, §c., as follows :

SECTION 1. Section seventeen of chapter one hundred and forty-five of the General Statutes, is hereby amended by adding thereto the words, "or before any justice of the court in vacation."

Amendment to G. S. 145, § 17.

SECTION 2. This act shall take effect upon its passage.

Approved May 26, 1871.

AN ACT TO CEDE TO THE UNITED STATES JURISDICTION OVER CERTAIN LANDS AND FLATS IN FALMOUTH.

Chap. 367

Be it enacted, §c., as follows :

SECTION 1. Jurisdiction is hereby granted and ceded to the United States over a certain parcel of land and shore, with the buildings thereon, lying in the town of Falmouth, at a place called Wood's Hole, and bounded as follows: beginning on the east side of a public road at the south-westerly angle of a parcel of land belonging to the United States; thence running due west across said road, thirty-five feet; thence running due north on westerly side of said road, sixteen feet; thence running north eighty-two degrees west, seventy-six feet; thence running south thirty-eight degrees west, one hundred and eleven feet; thence running south sixty-five degrees west, two hundred and eight feet; thence running south fifteen degrees east, to low-water mark; thence along low-water mark to the stone wharf; thence around the exterior line of said stone wharf to land of the United States; thence running north forty-two degrees west

Jurisdiction ceded to the United States over lands in Falmouth.

by land of the United States, one hundred and forty feet, to the point of beginning. Said premises being needed for the use of the light-house establishment of the United States for warehouse purposes.

U. S. may occupy and fill flats under direction of harbor commissioners.

SECTION 2. The United States government is hereby authorized to occupy and fill such flats belonging to the Commonwealth, and to place in or over tide-water such structures as may be necessary for the purposes for which the land before described is to be used, and upon such terms and conditions as shall be prescribed by the board of harbor commissioners.

Plan to be deposited in secretary's office within one year.

SECTION 3. This act shall be void unless a suitable plan of the premises, or such portion or portions thereof as may be purchased by the United States, be deposited in the office of the secretary of this Commonwealth within one year from the passage of this act.

State retains concurrent jurisdiction for execution of civil and criminal processes.

SECTION 4. The Commonwealth shall retain concurrent jurisdiction with the United States in and over the premises aforesaid, so far as that all civil and criminal processes issuing under the authority of this Commonwealth may be executed on said premises and in any buildings erected or to be erected thereon, in the same way and manner as if jurisdiction had not been granted as aforesaid; and exclusive jurisdiction shall revert to and revest in the Commonwealth, whenever the said premises shall cease to be used for the purposes herein before declared.

SECTION 5. This act shall take effect upon its passage.

Approved May 26, 1871.

Chap. 368 AN ACT TO ESTABLISH THE SALARIES OF CERTAIN EXTRA CLERKS IN THE ADJUTANT-GENERAL'S DEPARTMENT.

Be it enacted, &c., as follows:

Salary of \$1,500.

SECTION 1. The two extra clerks at present employed in the adjutant-general's department shall each receive an annual salary of fifteen hundred dollars, to be computed from the commencement of the present year: *provided*, that they shall not receive any compensation from the Commonwealth for extra services.

SECTION 2. This act shall take effect upon its passage.

Approved May 26, 1871.

Chap. 369 AN ACT TO LEGALIZE THE MARRIAGE OF ELLIOT W. FORD, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

Marriage legalized.

SECTION 1. Elliot W. Ford of Abington, and Annice M. Ford, whose maiden name was Annice M. Noyes, and who is reputed his wife, are hereby declared to be husband and wife.

SECTION 2. The bonds of matrimony heretofore existing between said Elliot W. Ford and Mary M. Ford, are hereby dissolved. Bonds of matrimony dissolved.

SECTION 3. This act shall take effect upon its passage.

Approved May 26, 1871.

AN ACT CONCERNING MINOR CHILDREN SUPPORTED BY CITIES AND TOWNS.

Chap. 370

Be it enacted, &c., as follows :

SECTION 1. The overseers of the poor of each city and town of this Commonwealth shall make semi-annual returns to the visiting agent of the board of state charities, concerning all minor children above the age of four years who are supported at the expense of such city or town, in an almshouse or elsewhere, on the first day of January and July. Said returns shall be made in such form and shall contain such information respecting said minor children as may be prescribed by the board of state charities, and shall be forwarded to said agent on or before the tenth day of each month before mentioned. Returns to be made by overseers, to visiting agent of board of state charities, concerning minor children of over four years, supported by town.

SECTION 2. The provisions of sections two, three and four of chapter three hundred and fifty-nine of the acts of the year eighteen hundred and seventy, or other acts in addition thereto, in respect to children maintained wholly or in part by the state, and to the indenture of children from the state institutions, shall hereafter apply also to all minor children supported at the expense of any city or town : *provided*, that no such child shall be removed from any city or town without the consent of the overseers of the poor thereof. Provisions of 1870, 359, §§ 2, 3, 4, to apply to all minors supported at town expense.

Proviso.

SECTION 3. This act shall take effect upon its passage.

Approved May 26, 1871.

AN ACT CONCERNING EXPRESS COMPANIES NOT INCORPORATED OR ORGANIZED IN THIS STATE.

Chap. 371

Be it enacted, &c., as follows :

SECTION 1. Every corporation not organized in this Commonwealth, and every association of persons not being inhabitants thereof, but doing express business therein, shall, in writing, appoint a citizen thereof, resident therein, a general agent, upon whom all lawful processes against the corporation or the associated persons may be served with like effect as if served on said corporation or associated persons or any one of them ; and said writing or power of attorney shall stipulate and agree on the part of the corporation or associated persons making the same, that any lawful process against said corporation or associated persons which is served on said general agent shall be of the same legal force and Foreign express corporations to appoint a general agent, a resident citizen of the state, on whom processes may be served.

validity as if served on said corporation or associated persons or any one of them. The writing or power of attorney shall be filed in the office of the secretary of the Commonwealth, and copies certified by him shall be taken as sufficient evidence and proof thereof. This agency shall be continued so long as such express business is done in this state, and the power shall not be revoked until the same power is given to another filed as aforesaid. Service upon said agent shall be deemed sufficient service upon the principal.

General agent to give bond that he will accept service.

SECTION 2. The general agent shall give bond to the treasurer of the Commonwealth, with one or more sureties to be approved by him, in the sum of two thousand dollars, with condition that he will accept service of all lawful process against the corporation or associated persons in the manner provided in this act.

No person to act as general agent more than 30 days unless provisions are complied with, under penalty.

SECTION 3. No person shall hereafter act as agent of any express company not incorporated in this Commonwealth, or of any association of persons not inhabitants thereof, doing express business in this state, for more than thirty days, unless the provisions of this act have been complied with; and every person so acting without such compliance shall forfeit a sum not exceeding five hundred dollars for each offence.

SECTION 4. This act shall take effect upon its passage.

Approved May 26, 1871.

Chap. 372

AN ACT IN ADDITION TO CERTAIN ACTS FOR THE IMPROVEMENT OF THE HARBOR OF BOSTON AND THE COMMONWEALTH'S FLATS THEREIN.

Be it enacted, §c., as follows:

Mortgage to be foreclosed by the treasurer of the Commonwealth.

SECTION 1. The treasurer and receiver-general of the Commonwealth is hereby authorized and directed to proceed forthwith in behalf of the Commonwealth, to foreclose the mortgage to the Commonwealth given by the Boston, Hartford and Erie Railroad Company and Messrs. Harvey, Whitney and Groves, trustees, dated July twenty-first, eighteen hundred and sixty-nine, and recorded with Suffolk County deeds, liber nine hundred and seventy, folio nineteen, and to enter upon and sell the premises in said mortgage described, under and in pursuance of the power and authority in said mortgage contained, and to execute under seal in the name of the Commonwealth all necessary deeds, certificates and other instruments for such purpose; and he is further authorized to purchase for and in behalf of the Commonwealth at any sale thereof, the property described in said mortgage and apply the purchase money arising from such sale to the payment of the note of said company, and other

debts of said company to said Commonwealth secured by said mortgage: *provided, however*, that in all such proceedings the said treasurer and receiver-general shall be subject to the direction of the governor and council.

Proviso.

SECTION 2. The board of harbor commissioners is hereby authorized, upon such terms as said board may judge expedient, to waive any right to notice said Commonwealth may have under the agreement with the Commonwealth of the Boston Wharf Company, and Messrs. Pierce, Atkins and Morton, trustees for said company, dated July twenty first, in the year of our Lord eighteen hundred and sixty-nine, and recorded with Suffolk county deeds, liber nine hundred and seventy, folio twenty four: *provided, however*, that no such waiver shall be made, except with the approval of the governor and council.

Harbor commissioners may waive right of notice under agreement with Boston Wharf Company.

Proviso.

SECTION 3. This act shall take effect upon its passage.

Approved May 26, 1871.

AN ACT TO AUTHORIZE THE CONSTRUCTION OF DAMS ACROSS SOUTH RIVER, IN THE TOWN OF MARSHFIELD.

Chap. 373

Be it enacted, &c., as follows:

SECTION 1. The proprietors of marsh land on South River, in the town of Marshfield, are hereby authorized to erect a dam and dikes across said river, with one or more sluice-ways and gates, for the purpose of draining said marshes and improving the same, subject to the provisions of section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six; said dam, dikes and improvements to be made under the authority of commissioners to be appointed in the manner provided in the one hundred and forty-eighth chapter of the General Statutes, with all the powers, and subject to all the duties required or allowed by said chapter; and it shall be the duty of said commissioners to construct fish-ways in said dam, if required, and in the manner required by the commissioners of fisheries of the Commonwealth.

May erect dam across South River in Marshfield.

Fishways in dams.

SECTION 2. For the purpose of cultivating and improving said marsh, maintaining said dam, and repairing the gates, sluice-ways and other improvements, and the removal of any obstructions in the channels of said marsh, which may hereafter accumulate, and for conducting the fisheries at and about said dam, which may have been introduced by them, the said proprietors may manage their affairs as proprietors of general fields; and as such shall have all the powers, and be subject to all the duties and liabilities conferred and imposed on the proprietors of general fields by the sixty-seventh

May manage affairs as proprietors of general fields.

Powers and duties.

chapter of the General Statutes, and may include in their acts the introduction and propagation of herrings, alewives and other fishes.

SECTION 3. This act shall take effect upon its passage.

Approved May 26, 1871.

Chap. 374 AN ACT IN FURTHER ADDITION TO "AN ACT CONCERNING THE MANUFACTURE AND SALE OF INTOXICATING LIQUORS."

Be it enacted, §c., as follows :

Liquor commis-
sioner may sell
spirituous
liquors in Bos-
ton.

SECTION 1. The commissioner appointed under section one of chapter four hundred and fifteen of the acts of the year one thousand eight hundred and sixty-nine, is hereby authorized, within the city of Boston, to sell spirituous or intoxicating liquors to be used in the arts, or for medicinal, chemical, and mechanical purposes; and he shall keep a book and enter therein every such sale made by him in like manner, and open to the same inspection as is now provided by law respecting city and town agents.

Liquors to be
analyzed.

SECTION 2. All liquors kept for sale by said commissioner under this act, shall be analyzed and certified as provided in section three of chapter four hundred and fifteen of the acts of the year one thousand eight hundred and sixty-nine, and such sales shall be made by him at his established place of business in like manner as sales made by city and town agents; and if he adulterates or causes to be adulterated, such liquors, or sells the same at a greater advance on their cost than allowed to city and town agents, he shall be subject to the same forfeiture and imprisonment, provided in section six of said chapter. And if any person employed by him violates any of the provisions of this section, such person shall be liable to the same term of imprisonment. And if he or any person in his employ or on his premises, sells any adulterated spirituous or intoxicating liquor, they shall be liable to the penalties provided in section thirty-three of said chapter for being a common seller.

Penalty for
adulteration or
selling adultera-
ted liquors.

Profits from
sales to be paid
into the treas-
ury.

SECTION 3. All profits accruing from such sales shall be paid into the treasury of the Commonwealth as provided respecting sales made by said commissioner to city and town agents. And all such sales shall be included in said commissioner's annual report to the secretary of the Commonwealth.

Amendment to
1869, 415, § 2.

SECTION 4. Section two of said chapter four hundred and fifteen of the acts of the year one thousand eight hundred and sixty-nine is hereby amended by inserting after "act," the words "and acts in addition hereto."

SECTION 5. This act shall take effect upon its passage.

Approved May 26, 1871.

AN ACT IN ADDITION TO AN ACT TO APPORTION AND ASSESS A STATE TAX OF TWO MILLION FIVE HUNDRED THOUSAND DOLLARS. *Chap. 375*

Be it enacted, &c., as follows :

SECTION 1. The act passed at the present session of the legislature to apportion and assess a state tax of two million five hundred thousand dollars, is hereby so amended that the tax apportioned and assessed for the town of Upton shall be two thousand one hundred and seventy-five dollars.

State tax for Upton to be \$2,175.

SECTION 2. This act shall take effect upon its passage.

Approved May 26, 1871.

AN ACT TO ESTABLISH THE SALARIES OF THE JUSTICE AND CLERK OF THE MUNICIPAL COURT FOR THE SOUTHERN DISTRICT OF BOSTON. *Chap. 376*

Be it enacted, &c., as follows :

The annual salary of the justice of the municipal court for the southern district of Boston shall be twenty-five hundred dollars, and the annual salary of the clerk of said court shall be fifteen hundred dollars; such salaries commencing on the first day of January last.

Salaries fixed for judge and clerk.

Approved May 26, 1871.

AN ACT TO INCORPORATE THE ASHBURNHAM WATER COMPANY. *Chap. 377*

Be it enacted, &c., as follows :

SECTION 1. George C. Winchester, William P. Ellis, George W. Eddy, and their associates and successors, are hereby made a corporation by the name of the Ashburnham Water Company, for the purpose of supplying the inhabitants of the town of Ashburnham with pure water; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to such corporations.

Ashburnham Water Company to supply Ashburnham with pure water.

SECTION 2. Said corporation may take, hold and convey to, into and through the town of Ashburnham the water of any spring or springs, or of any natural pond or ponds, brook or brooks, excepting the water of any spring or springs, pond or ponds, brook or brooks drained or draining into Miller's River or any branch thereof, within said town of Ashburnham, and said corporation may also take and hold, by purchase or otherwise, any real estate necessary for laying and maintaining aqueducts, for conducting, discharging and distributing water, and for forming reservoirs, and may take and hold any land in or around any such pond, spring or brook, so far as may be necessary for the preservation and purity of the same. Said corporation shall, within sixty days from the time of taking any such land, spring or ponds, brook or brooks, file in the office

May take water in Ashburnham except that flowing into Miller's River.

May take real estate for reservoirs.

To file in registry of deeds within sixty days, descrip-

tion of land
taken.

of the registry of deeds, in the county of Worcester, a description of the lands, spring or springs, pond or ponds, brook or brooks so taken, as certain as is required in conveyance of land, and a statement of the purpose for which it is taken, signed by the president of the corporation.

May build aqueducts, dams and reservoirs.

SECTION 3. Said corporation may make and build one or more permanent aqueducts from any of the sources before mentioned, into and through said town, and have and maintain the same by any works suitable therefor, may erect and maintain dams to raise and retain the waters therein, may make and maintain reservoirs within said town, may make and establish public fountains and hydrants in such places as it may from time to time deem proper, and prescribe the purposes for which they may be used, and may change or discontinue the same, may distribute the water throughout the town, may regulate the use of said water and establish the prices or rent thereof; and the said corporation may for the purposes aforesaid, convey and conduct any aqueduct or other works by it to be made and constructed, over or under any water-course, street, turnpike road, railroad, highway or other way, in such manner as to cause the least possible hindrance to the travel thereon, and may enter upon and dig up any such road, street, or other way, for the purpose of laying down pipes beneath the surface thereof, and for maintaining and repairing the same.

May regulate use of water and establish prices.

Liability for damages.

SECTION 4. Said corporation shall be liable to pay all damages that shall be sustained by any person in their property by the taking of any land, water or water-rights, or by constructing any aqueducts, reservoirs or other works for the purposes specified in this act. And if any person who shall sustain damage as aforesaid, cannot agree with said corporation upon the amount of said damage, the same shall be ascertained, determined and recovered in the manner now provided by law in case of land taken for highways.

Real and personal estate.

Capital stock and shares.

SECTION 5. Said corporation may hold real and personal estate necessary and convenient for the purposes aforesaid, and its whole capital stock shall not exceed fifty thousand dollars, which shall be divided into shares of one hundred dollars each.

Penalty for diverting water or maliciously rendering it impure.

SECTION 6. Any person who shall divert the water, or any part thereof, of the sources which shall be taken by said corporation pursuant to the provisions of this act, or who shall maliciously corrupt the same, or render it impure, or who shall maliciously destroy or injure any dam or reservoir, aqueduct, pipe or hydrant, or other property held, owned or used by the said corporation, for the purposes of

this act, shall pay three times the amount of actual damage to the said corporation, to be recovered in an action of tort; and every such person, upon conviction of either of the acts aforesaid, shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding three years.

SECTION 7. This act shall take effect upon its passage.

Approved May 26, 1871.

AN ACT TO AMEND THE ACT INCORPORATING THE MASSACHUSETTS AGRICULTURAL COLLEGE.

Chap. 378

Be it enacted, &c., as follows:

SECTION 1. Chapter two hundred and twenty of the acts of the year eighteen hundred and sixty-three, entitled an act to incorporate the trustees of the Massachusetts Agricultural College, is hereby amended as follows, to wit:

Amendments to 1863, 220.

Strike from the first section thereof the words, "whenever vacancies shall occur in the board of trustees, the legislature shall fill the same," and substitute therefor the words, "also from time to time to elect new members."

Strike the last sentence from the fifth section and substitute therefor the following: "the college shall furnish to the governor and council a copy of the annual report of its operations."

SECTION 2. This act shall take effect upon its passage.

Approved May 26, 1871.

AN ACT CONCERNING THE SETTLEMENT OF PAUPERS.

Chap. 379

Be it enacted, &c., as follows:

SECTION 1. Chapter three hundred and twenty-eight of the acts of the year eighteen hundred and sixty-eight is hereby amended in the first section by adding thereto the words, "whether such other qualifications shall have been acquired before or after the enactment hereof."

Amendment to 1868, 328.

SECTION 2. Chapter three hundred and ninety-two of the acts of the year eighteen hundred and seventy is hereby amended in the third section by adding after the words civil war, "or duly assigned as a part of the quota thereof, after having been enlisted and mustered into such service."

Amendment to 1870, 392.

SECTION 3. Wherever a settlement acquired by marriage has been defeated by virtue of the provisions of the second section of chapter three hundred and ninety-two of the acts of the year eighteen hundred and seventy, the former settlement of the wife, if not defeated by the same provisions, shall be deemed to have been thereby revived.

Where settlement acquired by marriage is defeated by 1870, 392, § 2, former settlement of wife revived, if not defeated by same provisions.

SECTION 4. This act shall take effect on the first day of July next.

Approved May 26, 1871.

Chap. 380 AN ACT TO CONFIRM CERTAIN PROCEEDINGS IN THE PROBATE COURTS.
Be it enacted, &c., as follows :

Appointment of
 executor, &c.,
 not invalid by
 reason of rela-
 tionship be-
 tween parties.

Proviso.

SECTION 1. No appointment of an executor, administrator, guardian, trustee or other officer heretofore made by a judge of the probate court, and no proceeding or decree heretofore had or made in said court, shall be deemed invalid by reason of relationship by blood, marriage or adoption, between the person so appointed, or between a party to such proceeding or decree and the acting judge ; and all acts done under such appointments, otherwise legal and valid, are hereby ratified and confirmed : *provided*, that this act shall not apply to any case now pending in any court wherein the validity of such appointment, proceeding or decree is disputed on the ground of such relationship, or to any case wherein a final judgment or decree has been entered against the validity of such appointment, proceeding or decree.

SECTION 2. This act shall take effect upon its passage.

Approved May 26, 1871.

Chap. 381 AN ACT CONCERNING STREET RAILWAY CORPORATIONS.
Be it enacted, &c., as follows :

Street railway
 companies,
 amendment to
 charter granted
 prior to June
 11, 1864.

SECTION 1. Street railway companies shall have the powers and privileges, and be subject to the duties, liabilities, restrictions and provisions contained in this act, which, so far as inconsistent with charters granted prior to the eleventh day of June, eighteen hundred and sixty-four, shall be deemed and taken to be in alteration and amendment thereof.

ORGANIZATION, OFFICERS.

Not less than
 five directors,
 one of whom to
 be president.

SECTION 2. The stockholders of every corporation shall annually choose by ballot from their own number, not less than five directors, who shall hold their offices one year, and until others are chosen in their places. The immediate government and direction of the affairs of the corporation shall be vested in the board of directors, who shall elect one of their number to be president of the board and of the corporation, and shall elect a clerk and a treasurer of the corporation. The clerk shall be sworn, and the treasurer shall give bonds with sufficient sureties, to the corporation, in the sum required by the by-laws for the faithful discharge of his trust.

Treasurer and
 clerk.

MEETINGS, VOTES, ETC.

Meetings of
 corporation.

SECTION 3. Meetings of the corporation shall be called and notified in the manner provided in the by-laws, or if the by-laws make no provision on the subject, in the manner provided in section three of chapter sixty-eight of the General Statutes.

SECTION 4. At all meetings, each member shall be entitled to one vote for each share held by him: *provided*, that he shall not be entitled to a vote for any shares beyond one-tenth part of the whole number of shares of the stock of the corporation. No vote shall be given upon shares owned by the corporation, or pledged in any form to or for its benefit.

Members entitled to one vote for each share. Proviso.

SECTION 5. No proxy shall be valid unless executed and dated within six months previously to the meeting at which it is used; and no person shall, as proxy or attorney, cast more than fifty votes, unless all the shares so represented by him are owned by one person.

Proxies.

CAPITAL STOCK, ASSESSMENTS, ETC.

SECTION 6. The capital stock of every corporation organized subsequent to the eleventh day of June, eighteen hundred and sixty-four, shall be divided into shares of one hundred dollars each. The number of shares shall, from time to time, be fixed by the directors, subject to the limitation named in its charter. No corporation shall begin to build its road until a certificate is filed in the office of the secretary of the Commonwealth, signed and sworn to by the president, treasurer, clerk and a majority of the directors, stating that the amount of capital stock so fixed, which shall in no case be less than one-half the amount authorized by its charter, has been unconditionally subscribed for by responsible parties, and that fifty per centum of the par value of each and every share of the same has been actually paid into its treasury in cash.

Capital stock and shares.

Road not to be built until certificate is filed with secretary.

SECTION 7. No certificate of stock shall be issued until the par value thereof shall have been actually paid into the treasury of the corporation in cash; and the directors of the corporation shall be jointly and severally liable to the extent of the capital stock fixed, for all debts and contracts made by the company, until the whole amount of the capital stock, fixed and limited as aforesaid, is paid in, and a certificate stating the amount of the capital stock so fixed, limited and paid in, is signed and sworn to by the president, treasurer, clerk and a majority of the directors, and filed in the office of the secretary of the Commonwealth.

Certificates of stock not to be issued until par value has been paid into treasury, in cash. Directors liable for debts until capital is paid in, and certificate filed.

SECTION 8. After the capital stock of the corporation has been fixed, and the evidence thereof is filed in the office of the secretary of the Commonwealth, as provided in the two preceding sections, no increase thereof shall be made, unless authorized by vote of the stockholders at a meeting called for that purpose, and no certificate of stock beyond the

No increase of capital, except by vote of stockholders at meeting called for that purpose.

amount so fixed shall be issued until a duly certified vote subsequently passed by the directors, fixing the capital stock at some larger amount, has been filed in the office of the secretary of the Commonwealth, together with a certificate signed and sworn to by the president, treasurer, clerk and a majority of the directors, stating that the full amount of the proposed increase of capital stock has been paid into the treasury of the company in cash.

Assessments may be levied upon shares subscribed for, and if not paid within thirty days, rights may be sold.

SECTION 9. The directors may, from time to time, make such equal assessments not in excess of their par value on all the shares subscribed but not paid up, as they deem expedient and necessary for the purposes of the corporation, and may direct the same to be paid to the treasurer, who shall give written notice thereof to the subscribers. If a subscriber neglects to pay his assessment for thirty days after such notice from the treasurer, the directors may transfer the rights under such subscription to any person who subscribes for the same and pays the assessments due; or they may order the treasurer, after giving notice of the sale, to sell such shares by public auction to the highest bidder. If the shares of a subscriber do not sell for a sum sufficient to pay his assessments, with interest and charges of sale, he shall be liable to the corporation for any deficiency; if such shares sell for more, he shall be entitled to the surplus remaining.

Shares to be deemed personal estate.

SECTION 10. The shares in the capital stock of such corporations shall be deemed personal estate, and may be transferred by a conveyance in writing, recorded by the treasurer, in books kept in his office. No conveyance of shares shall be valid against any other persons than the grantors or their legal representatives, unless so recorded. On making the transfer and surrendering the old certificate a new certificate shall be granted.

Conveyance to be valid against other than grantor, must be recorded.

CHARTERS.

Petition for charter not to be acted upon until notice has been given according to law.

SECTION 11. No petition for a charter shall be acted upon until notice of the pendency thereof has been given according to law, which notice shall designate the intended route with such certainty as to give information to all persons affected thereby, that they may have an opportunity to appear and object thereto.

Charter void unless accepted within six months.

SECTION 12. The act incorporating any corporation shall be void unless the same is accepted within six months, and shall be void so far as relates to the right to construct a road within the limits of any city or town, unless the same shall be accepted by the city council of such city, or the selectmen of such town, within one year, and unless some portion of

said road is located and built and put in operation within eighteen months from the passage of said act. This section shall not apply to corporations existing prior to the eleventh day of June, in the year eighteen hundred and sixty-four.

SECTION 13. Every corporation shall have power to purchase and hold such real and personal estate as may be necessary or convenient for the operation of the road.

Real and personal estate.

LOCATION OF ROAD.

SECTION 14. The board of aldermen of any city, or the selectmen of any town, in which any corporation is authorized to construct a street railway, may, upon the petition of such corporation, locate the tracks thereof within their respective jurisdictions, pursuant to the provisions of its charter: *provided*, that before proceeding to locate such tracks, they shall give notice to all parties interested, by publication in such newspapers, or otherwise, as they may determine, at least fourteen days before their meeting, of the time and place at which they will consider such location. After a hearing of all parties interested, they shall pass an order refusing the location or granting the same, or any portion thereof, under such restrictions as they deem the interests of the public may require, and the location thus granted shall be deemed and taken to be the true location of the tracks of the corporation, if its acceptance thereof in writing is filed with said mayor and aldermen or selectmen within thirty days after receiving notice thereof.

Location of tracks.

Notice to be given to all parties interested.

Acceptance of location to be filed within thirty days.

SECTION 15. The location and position of the tracks of any corporation may be altered upon application of any party interested, by the same authority, and in the same manner, as is provided in the preceding section, for the original location. The expense of such alteration which shall be made by the corporation within such time after such alteration shall have been ordered, as the board of aldermen or selectmen may determine, shall be borne by such party as the board of aldermen or selectmen may determine.

Location may be altered.

SECTION 16. The board of aldermen of any city, or the selectmen of any town, may, at any time after the expiration of one year from the times of the opening for use of any street railway in such city or town, if in their judgment the interests of the public require, after notice published as provided in the preceding sections, and a hearing, order that the location of any of the tracks in any street or highway shall be revoked, and the railway corporation shall thereupon remove the same, in conformity with such order, and put the

— may be revoked, and corporation ordered to put street in as good condition as it was before tracks were laid.

street in as good condition as it was in immediately before being occupied by said tracks.

Penalty for neglect to execute order.

SECTION 17. If any corporation neglects to execute any order and make the repairs as prescribed in the preceding section, after thirty days' notice thereof, then the board of aldermen or selectmen may cause the same to be executed and made at the expense of the corporation, to be recovered in an action of tort.

REGULATIONS FOR OPERATING ROAD, STREETS, ETC.

Rules as to rate of speed, &c., may be made by board or selectmen.

SECTION 18. The board of aldermen of any city or the selectmen of any town, in which a street railway is operated, may, from time to time, establish by an order such rules and regulations as to the rate of speed, mode and use of the tracks, and removal of snow and ice from the same, as in their judgment the interest and convenience of the public may require.

Penalty for violation of rules.

SECTION 19. If any corporation, its servants or agents, wilfully or negligently violates any rule or regulation established in the manner provided in the preceding section, such corporation shall be liable to a penalty of not more than five hundred dollars for each offence.

Streets may be taken up by cities and towns without liability for damages.

SECTION 20. Cities and towns may take up any of the streets or highways traversed by street railways, for any purpose for which they are now authorized to take up the same, or may alter or discontinue the same, as now authorized by law, without being liable in damages therefor to any railway corporation or the owners of its stock.

Streets to be kept in repair.

SECTION 21. Every corporation, its lessees or assigns, shall keep in repair such portions of any paved streets, roads and bridges as are occupied by its tracks; and when such tracks occupy streets or roads that are not paved, it shall, in addition to the portion occupied by its tracks, keep in repair eighteen inches on each side thereof, to the satisfaction of the superintendent of streets, the street commissioner or the surveyors of highways, and shall be liable for any loss or injury that any person may sustain by reason of any carelessness, neglect or misconduct of its agents and servants, in the construction, management and use of its tracks.

Corporation liable, in case recovery is had against city, &c., for defect in highway occupied by its tracks.

SECTION 22. In case any recovery is had against any city or town, steam railroad, turnpike or bridge corporation respectively, by reason of any defect or want of repair caused or permitted by a corporation of that part of any street, highway or bridge occupied by its tracks, or by reason of any defect in any part of any street, highway or bridge occupied by

its tracks, caused by a corporation, its lessees or assigns or their agents or employees, said corporation, its lessees or assigns, shall be liable to said city, town or corporation respectively, for any sums recovered against either of them, together with all costs and reasonable expenditures incurred in the defence of any suit or suits in which recovery is had by reason of such defect or want of repair: *provided*, the corporation, its lessees or assigns had reasonable notice of such suit or suits, and an opportunity to assume the defence thereof; and *provided, further*, that such defect or want of repair was not caused by said city or town, its agents or servants, exercising the powers reserved to cities and towns in section twenty-one of this act, or by said other corporations, their agents or servants.

SECTION 23. Every corporation, its lessees or assigns shall erect and maintain upon every bridge or draw of a bridge over which its track is located and used, suitable guards or railings sufficient to prevent the cars of said corporation from running off said bridge or draw; such guards or railings to be erected and maintained to the satisfaction of the board of aldermen of the city, or the selectmen of the town, in which such draw or bridge or any portion thereof may be situated.

Provisos.

Suitable guards to be maintained upon bridges, &c., where track is located.

SECTION 24. If any corporation, its lessees or assigns, for sixty days neglects to comply with any order of a board of aldermen of a city, or the selectmen of a town, duly served upon it under the provisions of the preceding section, it shall for each month during which such neglect shall continue, in excess of such sixty days, forfeit the sum of two hundred dollars, to be recovered to the use of said city or town.

Penalty for neglect.

SECTION 25. If a corporation voluntarily discontinues the use of any part of its tracks for a period of six months, the streets or highways occupied by the same shall, upon the order of the board of aldermen of the city, or the selectmen of the town, forthwith, at the expense of said company, be cleared of said tracks, and put in as good condition for the public travel as they were in immediately before being so occupied.

Board or selectmen may order tracks to be taken up, if use is voluntarily discontinued.

SECTION 26. The board of aldermen of any city, or the selectmen of any town, may order any corporation to discontinue, temporarily, the use of any tracks within the limits of such city or town, whenever they adjudge that the safety or convenience of the inhabitants require such discontinuance.

— may order temporary discontinuance when safety requires.

SECTION 27. All corporations shall construct and maintain their tracks of a uniform gauge of four feet eight and one-half inches.

Gauge to be four feet eight and one-half inches.

OBSTRUCTION OF STREETS.

Rules may be established, for giving notice by driver, &c., of approach of cars.

SECTION 28. The board of aldermen of any city, or the selectmen of any town, may establish such regulations for giving notice or warning of the approach of street cars by the driver or conductor, as shall in their opinion best secure the unobstructed use of the tracks and the free passage of the cars.

Penalty for wilful obstruction of tracks.

SECTION 29. Whoever wilfully and maliciously obstructs any corporation, its lessees or assigns, in the legal use of any railway tracks, or delays the passing of the cars or railway carriages thereon, such person, and all who shall be aiding and abetting therein, shall be punished by a fine not exceeding five hundred dollars, or may be imprisoned in the common jail for a period not exceeding three months.

Penalty for wilful obstruction of streets by railroad corporation.

SECTION 30. If any corporation, its agents or servants, wilfully or negligently obstructs any street or highway, or hinders the passing of carriages over the same, or wilfully detains the cars of any other company having the lawful right to pass thereon, such corporation shall be punished by a fine not exceeding five hundred dollars; and the agent or servant so offending shall be punished by a fine not exceeding ten dollars for each offence, or by imprisonment in the common jail for a period not exceeding three months.

SALE OR LEASE OF ROAD.

Road not to be leased or sold, except, &c.

SECTION 31. No corporation shall sell or lease its road unless authorized so to do by its charter, or by special act of the legislature.

Lessee to make sworn annual returns of business of road to lessor, under penalty.

SECTION 32. The party leasing any street railway shall make to the corporation owning the same annual returns verified by oath, of the operations and business of the road; and for any failure to do so, shall be liable to said corporation for all the penalties prescribed by law for a failure, on the part of the corporation, to make annual returns to the legislature; and all penalties accruing to such corporation under this section may be recovered in an action of tort.

FARES AND ACCOMMODATIONS.

Reasonable accommodations for passengers to be furnished.

SECTION 33. Every corporation shall furnish reasonable accommodations for the conveyance of passengers, and for every wilful neglect to provide the same shall be punished by a fine of not less than five nor more than twenty dollars for each offence; and the directors thereof may establish the rates of fare on all passengers and property conveyed or

transported in its cars, subject, however, to the limitations named in its charter, or hereinafter set forth.

SECTION 34. The board of aldermen of any city, the selectmen of any town, or fifty legal voters of any city or town in which any street railway is located, may apply to the board of railroad commissioners, who shall, after due notice and hearing of the parties interested, revise and regulate the fares as determined by the corporations; but such fare shall not, without the consent of the corporation, be so reduced as to yield, with all other profits derived from operating its road, an income of less than ten per centum upon the actual cost of the construction of its road and the purchase of property for its necessary use, to be determined by said commissioners. The report of the commissioners shall be final and conclusive for at least one year. The expense of said application and hearing shall be borne by such party as the said board may determine.

Rates of fare fixed by corporation may be revised and regulated by commissioners.

SECTION 35. Nothing contained in the two preceding sections shall be held to authorize any corporation or said commissioners to raise the rate of fare, or the price of tickets, above what has been heretofore established as such rate or price for any locality, by agreement made as a condition of location or otherwise between a corporation or its directors, and the mayor and aldermen of any city or the selectmen of any town, except by a mutual arrangement with the mayor and aldermen or selectmen with whom such agreement was made.

Rates heretofore established by agreement, &c., not to be raised.

SECTION 36. Any passenger riding from any point in the city of Boston to any other point in said city, in a car run therein by any corporation, shall, upon paying a sum in addition to the established fare for such passage, being in the whole not more than eight cents, receive a check which shall entitle him to a passage, on the same day only, in any car run in said city by any other corporation, between any two points therein: *provided*, that no corporation shall take any sum beyond eight cents for both of the passages aforesaid, including the check, but not including the toll upon any bridge or ferry. Any passenger riding in the car of any corporation from any point in the city of Boston to any other point in said city, or from any point without said city to any point therein, the established fare between such points being not more than six cents, shall, upon paying a sum in addition to the established fare, being in the whole not more than nine cents, receive a check which shall entitle him to a passage, on the same day only, in any car run by any other corporation, between any two points in said city, or from any

Regulations concerning commutation checks.

Proviso.

point therein to any point without said city, the established fare between such points being not more than six cents : *provided, however,* that a corporation whose cars cross a ferry or toll-bridge within the limits aforesaid may collect of passengers crossing such ferry or toll-bridge upon commutation checks one cent additional for a ferry or bridge toll ; and no corporation or commissioner of a toll-bridge or ferry shall exact of a corporation, whose cars cross a ferry or toll-bridge less than one mile in length, any other toll than one cent for each passenger carried across in its cars. The corporations issuing such checks shall redeem the same once a week, paying therefor to the corporations presenting them one-half of the amount received as fare of the passengers to whom the checks were sold. Any person transferring such check, or any check that he may receive in accordance with the provisions of this section, with or without consideration, shall forfeit a sum not exceeding twenty-five dollars, to be recovered by complaint to the use of the corporation. Any corporation violating any of the provisions of this section shall be punished by a fine of not less than five nor more than twenty-five dollars for each offence.

Penalty for fraudulently evading payment of fare.

SECTION 37. Whoever fraudulently evades, or attempts to evade, the payment of any fare lawfully established by any corporation, either by giving a false answer to the collector of the fare, or by travelling beyond the point to which he has paid the same, or by leaving the car without having paid the fare established for the distance, or otherwise, shall be punished by a fine of not less than five nor more than twenty dollars for each offence. Whoever does not, upon demand, pay such fare, shall not be entitled to be transported over the road, and may be ejected from the car.

Manner of use and compensation therefor, of another road, to be determined by commissioners if parties cannot agree.

SECTION 38. Whenever any corporation, duly authorized by law, either itself or by its lessees or assigns, has entered upon and uses, or proposes to enter upon and use, the tracks, or any portion thereof, of another corporation, and the corporations cannot agree upon the manner and conditions of such entry and use, or the compensation to be paid therefor, the board of railroad commissioners shall, after due notice to and hearing of the parties interested, determine the rate of compensation to be paid for future use, and, if desired by either party, for past use, or fix the manner and stated periods of such use, or the mode of connection of the tracks, having reference to the convenience and interest of the corporations, and of the public to be accommodated thereby ; and the award of the commissioners, or a major part of them, shall be binding upon the respective corporations interested

therein : *provided, however*, that no such award shall apply to any period of time covered by any previous award of commissioners or by agreement of parties. Proviso.

SECTION 39. Whenever one corporation, its lessees or assigns, enters upon and uses the tracks of another corporation, by authority of law, the corporation so entering and using shall, until the rate of compensation is agreed upon or fixed by the board of railroad commissioners as provided in the preceding section, pay for such use once in each month from the time of entry, at such rate of compensation as the said board shall, on petition of either party and notice to the other, from time to time order. If the compensation established by the said board for the prior use of tracks exceeds the rate previously fixed by it, the excess shall be paid by the corporation using the tracks ; and in case it falls below such rate, the difference shall be deducted from the compensation subsequently accruing. When one road uses tracks of another before rate is fixed such compensation to be paid monthly as commissioners may order.

SECTION 40. If any corporation, its lessees or assigns, using the tracks of another corporation, fails to make the monthly payment therefor, at the rate named by the commissioners, as provided in the preceding section, the further use of said tracks may be enjoined by the supreme judicial court, until all payments in arrear have been made or satisfactorily secured. If monthly payment is not made, use of tracks may be enjoined by S. J. C.

SECTION 41. Any corporation, while using the tracks of another corporation, as herein before provided, shall conform to the rules and regulations, from time to time established, of the authorities of the respective cities and towns through which their cars run, and to the rules and regulations adopted by the corporation whose tracks they respectively use, for the regulation of their own cars and employés, and shall keep an account of the number of cars run daily by them respectively. Rules established by cities, &c., through which cars run, to be observed.

SECTION 42. Any award made by the railroad commissioners, in pursuance of the provisions of this act, shall be returned forthwith into the supreme judicial court, in the county in which the question passed upon shall have arisen, and shall be there subject to revision in the same manner as if the said commissioners had derived their power to act in the premises under the appointment of said court. Award of commissioners subject to revision by S. J. C.

SECTION 43. In all cases heard before the board of commissioners under the provisions of this act, the expenses and costs attending the same shall be paid by such party, or divided between the parties in such proportions as the commissioners determine. Expenses and costs of hearing before commissioners.

MOTIVE POWER.

Motive power. SECTION 44. Corporations may use such motive power on their respective tracks or roads as the board of aldermen of cities, or the selectmen of towns, through which they are located, may from time to time permit.

Damage by fire communicated by locomotive engines. SECTION 45. Every corporation shall be responsible in damages to any person whose buildings or other property is injured by fire communicated by its locomotive engines, and shall have an insurable interest in the property, upon its route, for which it may be so held responsible, and may procure insurance thereon in its own behalf.

CROSSINGS AND PASSING.

Track crossing tracks of steam railroads. SECTION 46. Any corporation whose track crosses the tracks of a steam railroad, shall make the crossing in such a manner as to injure as little as possible such tracks, and shall insert no frogs therein, and make no incisions into the rails thereof, without the consent of the directors of such road.

When track crosses steam railroad at grade, driver to stop car within one hundred feet of crossing. SECTION 47. When a street railway crosses or is crossed by a steam railroad at grade, where locomotive engines are in daily use, the driver of the car upon the street railway shall, when approaching the point of intersection, stop his car within one hundred feet of the crossing.

Car not to pass another car standing to receive, &c., passengers, faster than a walk, under penalty. SECTION 48. No street railway car shall pass another car standing to receive or deliver passengers, in a parallel track in the same street, at a rate of speed faster than a walk. For each violation of this or the preceding section the driver shall forfeit ten dollars, and the corporation employing the driver shall forfeit twenty dollars.

LIABILITY FOR NEGLIGENCE.

If a life is lost by negligence, corporation to be punished by fine, and am't to be paid over to widow, &c. SECTION 49. If by reason of the negligence or carelessness of any corporation, or of the unfitness, negligence or carelessness of its servants or agents, the life of any person, being a passenger, in the exercise of due care, or of any person being in the exercise of due care, and not being a passenger, or in the employment of such corporation, is lost, the corporation shall be punished by a fine not exceeding five thousand dollars, nor less than five hundred dollars, to be recovered by indictment, and paid to the executor or administrator, for the use of the widow and children of the deceased, in equal moieties; but if there are no children, to the use of the widow, or if no widow, to the use of the next of kin.

INDICTMENTS.

SECTION 50. Indictments against a street railway corporation, for loss of life, shall be prosecuted within one year from the time of the injury causing the death.

Indictments to be prosecuted within one year.

DIVISION OF PROCEEDS OF SALE OF ROAD.

SECTION 51. No corporation shall appropriate, for the payment of dividends, any money received for the sale of any portion of its railway, unless it first reduces its capital stock issued, by an amount which, at its par value, is equal to the amount which said portion of its railway cost said company.

Dividends not to be paid from proceeds of sale of portion of road, except, &c.

RETURNS AND REPORTS.

SECTION 52. The directors of every corporation shall annually, on or before the first Wednesday of November, make oath to and transmit to the board of railroad commissioners a report of their doings under its charter for the year ending the thirtieth day of September preceding, the first annual report stating the number of months and days included therein. Such report shall set forth copies of all leases and contracts made during the year with other corporations and individuals, and shall contain full and complete information upon the several items contained in the form of reports prescribed by the board of railroad commissioners.

Returns and reports.

SECTION 53. A corporation owning a leased road shall be responsible for the completeness and correctness of its annual returns to the same extent as if the road was in its own possession.

Corporation to be responsible for returns when road is leased.

SECTION 54. The board of railroad commissioners may, from time to time, order changes and additions in the form of the reports required by section fifty-two, and they shall give to the several corporations one year's notice of any such changes as require any alteration in the method or form of keeping their accounts; and said commissioners shall, on or before the fifteenth day September of each year, transmit to each of the corporations established by law within the Commonwealth blank forms of the reports required by the two preceding sections.

Changes in forms of reports may be made by commissioners.

SECTION 55. The board of railroad commissioners shall prepare tables and abstracts of the reports of the several corporations, and transmit said reports and abstracts to the secretary of the Commonwealth at the same time and in the same manner as provided for the transmission of the reports of railroad corporations.

Commissioners to prepare tables and abstracts of reports and transmit to secretary of Commonwealth.

Report to be amended if defective.

SECTION 56. Whenever the report of any corporation is incomplete, defective or probably erroneous, the board of railroad commissioners shall notify such corporation to amend said report within fifteen days. Every corporation refusing or neglecting to make the report required in section fifty-two, or refusing or neglecting to amend such report when notified so to do, shall forfeit twenty-five dollars for each day's refusal or neglect.

EQUITY POWERS OF SUPREME COURT.

S. J. C. to have equity powers to enforce rules, orders, &c.

SECTION 57. In addition to the penalties herein provided, the supreme judicial court shall have full equity powers to compel the observance of all orders, rules and regulations made in accordance with this act by the board of aldermen of any city, or the selectmen of any town, or by the board of railroad commissioners.

Powers and duties.

SECTION 58. All corporations shall continue to exercise and enjoy their powers and privileges, according to their respective charters and to the laws in force; and shall continue subject to all the liabilities to which they are now subject, except so far as said powers, privileges and liabilities are modified and controlled by the provisions of this statute.

Proceedings already instituted not affected.

SECTION 59. This act shall not affect any proceedings already instituted for altering the location and position or revoking the location of the tracks of any corporation.

Repeal.

SECTION 60. Chapter two hundred and twenty-nine of the acts of the year eighteen hundred and sixty-four, and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved May 26, 1871.

Chap. 382

AN ACT IN RELATION TO BETTERMENTS.

Be it enacted, §c., as follows:

Portion of expenses in laying out, widening, &c., of streets, may be assessed upon estates receiving benefit therefrom.
1867, 367, § 1;
1868, 276; 1869,
169, § 1.

SECTION 1. At any time within two years after any street, highway or other way is laid out, altered, widened, graded or discontinued, when in the opinion of the board of city or town officers authorized to lay out streets or ways respectively therein, any real estate, including that, a part of which may have been taken for such purpose, shall receive any benefit and advantage therefrom, beyond the general advantages to all real estate in the city or town where the same is situated, such board may adjudge and determine the value of such benefit and advantage to any such estate, and may assess upon the same a proportional share of the expense of laying out, alteration, widening, grading or discontinuance; but in no case shall the assessment exceed one-half the amount of

Assessment not to exceed one-half of adjudged benefit.

such adjudged benefit and advantage, nor shall the same be made until the work of laying out, altering, widening and grading is completed or discontinuance made; and in case of laying out a highway or town way by county commissioners, due allowance shall be made for any benefit set off under the provisions of section sixteen of chapter forty-three of the General Statutes.

SECTION 2. Any such assessment upon real estate which is invalid by reason of any error or irregularity in the making thereof, and which has not been paid, or which has been recovered back, may be re-made by such board, to the amount for which the original assessment ought to have been made, and the same shall be a lien upon the estate, and be collected in the same manner as re-assessed taxes are.

Assessment may be re-made, if invalid by any irregularity in making. 1871, 217, § 5.

SECTION 3. The expense to be assessed upon the estates as herein provided shall include all damages for land and buildings taken; and in estimating such damages all buildings on the land, a part of which is taken, shall be included, and there shall be deducted therefrom the value of the materials removed, and of all buildings or parts of buildings remaining thereon; and the damages for land taken shall be fixed at the value thereof before such laying out, alteration or widening, and the damage so estimated shall be paid to the persons entitled thereto, in the same manner, and upon the same conditions as are provided by law in other cases of laying out, alteration, widening, grading or discontinuance of streets and ways.

Expense to be assessed to include damages for land and buildings taken. 1866, 174, §§ 2, 3.

SECTION 4. If the owner of any building or materials on land, a part or the whole of which is taken for the purposes named in this act, after reasonable notice in writing from the board authorized to make assessments as aforesaid, shall refuse or neglect to take care of, or remove such buildings or materials, such board may take such care of the same as public safety, or the preservation thereof demands, or may remove such buildings or materials either upon the adjoining land of such owner, or otherwise; or they may sell the same at public auction, after five days' public notice of such sale, and hold the proceeds of the sale for the benefit of such owner; and the expense incurred by said board, or the value thereof to the owner, shall be allowed in reduction of the damages which said owner is entitled to recover.

If, after reasonable notice, owner fails to remove building, &c., the board may remove or sell it at public auction. 1866, 174, § 4. 1869, 367, § 3.

Expense to be allowed in reduction of damages.

SECTION 5. Any person owning real estate abutting on any street, highway or other way which may be laid out, altered, widened, graded or discontinued, and liable to assessment under this act, may, at any time before the estimate of damages is made, give notice in writing to the board having

Before damages are assessed owner may surrender estate to the city or town. 1866, 174, § 8.

authority to make the assessment, that he objects to the same, and elects to surrender his estate to the city or town where situated; and if said board shall then adjudge that public convenience and necessity require the taking of such estate, for the improvements named, they may take the whole of such abutting estate, and shall thereupon estimate the value thereof, excluding the benefit or advantage which has accrued from the laying out, alteration, widening, grading or discontinuance, and such owner shall convey the estate to such city or town which shall pay him therefor, the value so estimated, and the same may be recovered by an action of contract; and the city or town may sell any portion of said estate not needed for such improvements.

Assessments to be a lien upon the real estate. 1866, 174, § 6. 1869, 367, § 2.

— may be apportioned into three equal parts and added to tax for three years ensuing.

SECTION 6. All assessments made under this act shall constitute a lien upon the real estate so assessed, to be enforced in the same manner, with like charges for cost and interest, as provided by law for the collection of taxes; and if the owner of the estate shall give notice to the board authorized to make the assessment at any time before demand is made upon him for payment thereof, that he desires to have the amount of such assessment apportioned, said board shall apportion the same into three equal parts and certify such apportionment to the assessors of the city or town, and said assessors shall add one of said equal parts, with interest thereon from the date of the apportionment, to the annual tax of said estate for the three years next ensuing; and all assessments laid upon real estate, for any of the causes mentioned in this act, which shall remain unpaid after the same become due or payable, shall draw interest from the time when the same became due or payable, until the time of payment thereof.

Party aggrieved may apply by petition to the superior court. 1866, 174, § 7. 1871, 217, § 2.

SECTION 7. Any party aggrieved by the doings of such board, may apply by petition to the superior court for the county in which the estate is situated at any term thereof within one year after the passage of the order or proceedings upon which the application is founded; and after due notice to the city or town against which the petition is filed, a trial shall be had at the bar of the court in the same manner in which other civil causes are there tried by the jury, and if either party request it the jury shall view the place in question.

If assessment is not reduced, petitioner to pay costs. 1871, 217, §§ 3, 4.

SECTION 8. If the jury shall not reduce the amount of the assessment complained of, the respondent shall recover costs against the petitioner, which costs shall be a lien upon the estate, and be collected in the same manner as the assessment, but if the jury shall reduce the amount of the assess-

ment, the petitioner shall recover costs, and all assessments shall be a lien on the estate for one year after the final judgment, in any suit or proceeding where the amount or validity of the same is in question, and be collected in the same manner as original assessments.

SECTION 9. When an assessment is made upon an estate, the whole or any portion of which is leased, the owner of the estate shall pay the assessment, and may thereafter collect of the lessee an additional rent for the portion of the estate so leased, equal to ten per centum per annum on that proportion of the whole sum paid, which the leased portion bears to the whole estate, after deducting from the whole sum so paid, any amount he may have received for damages to the estate, above what he has necessarily expended on such estate by reason of such damages.

Assessment upon a leased estate to be paid by owner.

SECTION 10. This act, except section four, shall not take effect in any town until the same is accepted by such town at a legal meeting called for that purpose, unless the town has passed the vote of acceptance provided for by section four of chapter one hundred and sixty-nine of the acts of the year eighteen hundred and sixty-nine.

To take effect if accepted by town.

SECTION 11. Chapter one hundred and seventy-four of the acts of the year eighteen hundred and sixty-six, chapters seventy-five and two hundred and seventy-six of the acts of the year eighteen hundred and sixty-eight, and chapters one hundred and sixty-nine and three hundred and sixty-seven of the acts of the year eighteen hundred and sixty-nine, and chapter two hundred and seventeen of the acts of the year eighteen hundred and seventy-one, are hereby repealed; but such repeal shall not affect any rights or liabilities already incurred, or any case pending under said chapters.

Repeal of 1866, 174.
1868, 75, 276.
1869, 169, 367.
1871, 217.

Rights and liabilities already incurred not affected.

SECTION 12. In any city where the mayor and aldermen are part only of the board authorized to lay out streets or ways, such mayor and aldermen shall constitute the board named in this act.

Mayor and aldermen of cities to constitute board named in this act.

SECTION 13. This act shall take effect upon its passage.

Approved May 26, 1871.

AN ACT TO ESTABLISH THE SALARIES OF THE FIRST ASSISTANT-CLERK OF THE AUDITOR OF ACCOUNTS, AND OF THE FIRST ASSISTANT-CLERK OF THE TREASURER AND RECEIVER GENERAL.

Chap. 383

Be it enacted, &c., as follows:

SECTION 1. The salary of the first assistant-clerk of the auditor of accounts, and of the first assistant-clerk of the treasurer and receiver general shall be two thousand dollars per annum, commencing with the present year.

Salaries established at \$2,000.

SECTION 2. This act shall take effect upon its passage.

Approved May 26, 1871.

Chap. 384 AN ACT TO AUTHORIZE RAILROAD CORPORATIONS TO GUARANTEE THE BONDS OF CONNECTING RAILROADS.

Be it enacted, &c., as follows :

Railroad corporation whose road is built and in operation, may guarantee bonds of another road chartered to connect it.
Proviso.

SECTION 1. A railroad corporation whose road is wholly constructed and in operation, may guarantee the bonds of another railroad corporation whose road is chartered to connect with its own, upon such terms and to such an extent as may be authorized by a majority of the votes at a meeting of its stockholders called for the purpose: *provided*, the bonds so guaranteed do not exceed the amount of the capital stock of such other corporation actually paid in cash by its stockholders, and are in all other respects issued in conformity with the provisions of the general laws relating thereto.

Repeal of 1870, 325, § 4.

SECTION 2. The fourth section of chapter three hundred and twenty-five of the acts of the year eighteen hundred and seventy is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved May 26, 1871.

Chap. 385 AN ACT TO EXTEND THE TIME FOR LOCATING AND CONSTRUCTING THE BEDFORD RAILROAD.

Be it enacted, &c., as follows :

Time for location and construction extended.

The time within which the railroad of the Bedford Railroad Company shall be located, and constructed, is hereby extended for two years from the passage of this act.

Approved May 26, 1871.

Chap. 386 AN ACT RELATING TO CRIMINAL PROCEEDINGS BEFORE TRIAL JUSTICES.

Be it enacted, &c., as follows :

When a trial justice dies during the pendency of a criminal proceeding before him, case may proceed before another justice.

SECTION 1. When a trial justice before whom any criminal proceeding has been commenced and is pending, dies before final judgment has been rendered therein, any other trial justice, or any police, district or municipal court in the same county, may cause and allow the papers in the case to be brought and entered before such other justice or court, and may thereupon proceed in the matter, in the same manner as if the case had been originally commenced before such other justice or court.

SECTION 2. This act shall take effect upon its passage.

Approved May 26, 1871.

Chap. 387 AN ACT TO PROVIDE FOR FURNISHING CERTAIN DOCUMENTS TO THE LAW LIBRARY SOCIETIES IN EACH COUNTY.

Be it enacted, &c., as follows :

Law library societies to be furnished with legislative documents,

SECTION 1. In addition to the volumes now required by law to be furnished to the law library societies in each county, the sergeant-at-arms shall, immediately after their publica-

tion, distribute as far as is practicable to said societies one volume each of the following documents, viz.: legislative documents (senate and house), journal of the senate, journal of the house, and the manual of the general court.

journals of
house and sen-
ate, and manual.

SECTION 2. This act shall take effect upon its passage.

Approved May 26, 1871.

AN ACT TO REDUCE THE CAPITAL STOCK OF THE TAUNTON STREET RAILWAY COMPANY.

Chap. 388

Be it enacted, &c., as follows :

SECTION 1. The second section of the eighteenth chapter of the acts of the year eighteen hundred and seventy, entitled "An Act to incorporate the Taunton Street Railway Company," is so amended that the capital stock of said company shall not exceed seventy-five thousand dollars.

Capital stock
reduced.

SECTION 2. This act shall take effect upon its passage.

Approved May 26, 1871.

AN ACT CONCERNING RAILROAD CORPORATIONS WHOSE ROADS EXTEND BEYOND THE LIMITS OF THE STATE.

Chap. 389

Be it enacted, &c., as follows :

If any railroad corporation owning a railroad in this Commonwealth and consolidated with a corporation in another state owning a railroad therein, increases its capital stock or the capital stock of such consolidated corporation without authority of the legislature of this Commonwealth, or without such authority extends its line of road, or consolidates with any other corporation, or makes a stock dividend, or takes a lease of any road, or leases its road to any other corporation, the charter and franchise of such corporation shall be subject to be forfeited and become null and void: *provided*, that nothing herein contained shall be construed to prohibit the Boston and Maine Railroad from extending its railroad to Portland in the state of Maine, under the authority granted by the legislature of said state.

If a railroad in
this state con-
solidated with
another in an-
other state, in-
creases capital,
extends road,
&c., without
authority of
legislature,
charter subject
to be forfeited.

Approved May 26, 1871.

AN ACT RELATING TO THE TAXATION OF BANK SHARES.

Chap. 390

Be it enacted, &c., as follows :

SECTION 1. All the shares of stock in banks, whether of issue or not, existing by authority of the United States or of this Commonwealth, and located within the Commonwealth, including shares in the capital stock of the Mercantile Savings Institution and the Collateral Loan Company, both in the city of Boston, shall be assessed to the owners thereof in the cities or towns where such banks are located, and not elsewhere, in the assessment of all taxes imposed and levied

Bank stock
shares to be as-
sessed to own-
ers in towns
where banks
are located.

in such place by the authority of law, whether such owner is a resident of said city or town or not, at the fair cash value of such shares on the first day of May of the year in which the tax shall be assessed, first deducting therefrom the proportionate part of the value of the real estate belonging to the bank, at the same rate, and no greater, than that at which other moneyed capital in the hands of citizens and subject to taxation is by law assessed. And the persons or corporations who appear from the records of the banks to be the owners of shares at the close of the business day next preceding the first day of May in each year, shall be taken and deemed to be the owners thereof for the purposes of this act.

Tax to constitute a lien upon shares.

SECTION 2. Any tax so assessed shall constitute a lien upon the shares in respect to which such assessment is made from the first day of May of the year in which the tax is laid till the tax shall be paid ; and furthermore, for the purpose of collecting such tax, and in addition to any other law of this Commonwealth relative to the imposition and collection of taxes, it shall be the duty of every such bank, and the managing officer or officers thereof, to retain so much of any dividend or dividends belonging to such stockholders as shall be necessary to pay any tax assessed in pursuance of this act until it shall be made to appear to such officers that such taxes have been paid.

Officers to retain so much of dividend as necessary to pay the tax.

If taxes are not paid, collector shall levy by distraint, &c.

SECTION 3. If any tax so assessed shall not be paid, the collector or other officer authorized to collect taxes shall levy the same, by distraint or by seizure and sale of the shares in respect of which the tax is assessed, in accordance with the provisions of law for the seizure and sale of shares in the capital stock of corporations existing under authority of this Commonwealth, for non-payment of taxes : *provided*, that before proceeding to distrain or seize the shares of any stockholder not a resident in the city or town in which the tax is assessed, such collector shall, ten days at least before making such distraint or seizure, demand the amount of tax due and legal charges, at the usual place of business of said bank, by written or printed demand addressed to the stockholder, and given to the cashier or other officer of such bank, upon whom service of legal process against such bank may by law be made, and no other demand shall be necessary. Or such officer may, at his election, proceed to collect such tax by an action of contract, to be brought in the superior court in the county in which the bank is located, in which action the bank may be summoned as a trustee ; and if summoned, shall be chargeable to the extent of the market value of such shares, and of any dividends declared as aforesaid, between

Proviso.

the first day of May in the year in which the tax is assessed and the time when the action is brought.

SECTION 4. Assessors of cities and towns in which any national bank or banking association is located, for the purpose of ascertaining the rate at which taxes shall be assessed, shall omit from the valuation upon which the rate is to be based, the value of all shares held by non-residents of said cities and towns, and no tax of any city or town shall be invalidated by reason of any excess of the amount thereof over the amount to be raised in consequence of the provisions of this act.

How rate shall be ascertained at which taxes shall be assessed.

SECTION 5. It shall be the duty of the cashier of every such bank to make and deliver to the assessors of the city or town in which such bank is located, on or before the tenth day of May in each year, a statement verified by the oath of such cashier, showing the name of each shareholder, with his residence and the number of shares belonging to him on the then preceding first day of May, as the same then appeared on the books of said bank. For any failure to make such statement such cashier shall be liable to a penalty of five hundred dollars, to be recovered to the use of the city or town to the assessors of which this statement is hereby required to be made, in an action of tort, and the assessors of the city or town in which the bank is located shall forthwith upon such failure proceed to obtain a list of shareholders, with the residence of and number of shares belonging to each, as required by the provisions of section one of chapter two hundred and forty-two of the acts of the year eighteen hundred and sixty-five.

Cashier to make statement under oath to assessors where bank is located, showing name of each shareholder, &c., under penalty.

In either case the assessors of each city and town shall, immediately upon obtaining such list or statement, transmit to the tax commissioner a true copy of the same, and shall further, by notice in writing, inform said commissioner of the rate per cent. upon the valuation of the city or town of the total tax in such city or town for the year, immediately upon the ascertainment thereof, and also of the amount assessed upon the shares of each bank located therein, under the provisions of this act.

Assessors to transmit statement to tax commissioner.

SECTION 6. Said commissioner shall thereupon, as soon as may be, determine from the returns provided for by section five of this act, and otherwise, the proportionate amount of the tax so assessed upon the shares in each of said banks which has been assessed upon shares which according to the provisions of chapter eleven of the General Statutes would not be taxable in said city or town, which amounts, as finally determined under the provisions of this act, shall be a

Commissioner to determine proportionate amount of tax, which would not be taxable under G. S. 11, and it shall be a charge to the city or town.

charge to said city or town as an offset against any payments to be made from the treasury of the Commonwealth to said city or town.

Proportionate amount of tax, taxable in town, to become a credit to such town.

SECTION 7. Said commissioner shall, in like manner, determine the proportionate amount of tax so assessed upon shares in each of said banks which according to the provisions of chapter eleven of the General Statutes would be taxable in each city or town in this Commonwealth other than that in which the bank is located, which amounts, as finally determined under the provisions of this act, shall become a credit to such city or town.

Assessors to be notified of aggregate amount of charges and credits, as determined by commissioner.

SECTION 8. Said commissioner shall, by written or printed notice, delivered at the assessors' office or sent by mail, inform the assessors of each city or town affected thereby, of the aggregate amount of charges and credits against and in favor of such city or town under the sixth and seventh sections of this act, as determined by him, forthwith, upon the determination thereof. From this determination an appeal may be made by said assessors, within ten days from the date of said notice, to the board of appeal created under the thirteenth section of the two hundred and eighty-third chapter of the acts of the year eighteen hundred and sixty-five, which board shall hear such appeal, decide the matter in question, and notify said commissioner and the party appealing thereof, and such decision shall be final.

Right of appeal from determination of commissioner.

Commissioner to certify to treasurer and receiver-general aggregate amount of charges and credits.

SECTION 9. Said commissioner shall, at the expiration of ten days after notice given as provided in section eight, or upon being informed of the decision of the board of appeal, if an appeal is made, certify to the treasurer and receiver-general the aggregate amount of charges mentioned in section six against each city and town in the Commonwealth, and also the aggregate of credits mentioned in the seventh section in favor of each city or town, as finally determined under the provisions of sections six, seven and eight, and the treasurer shall thereupon withhold out of any sums of money which are or may become payable out of the state treasury to any city or town against which a charge is certified, the amount so certified; and shall allow or pay over to each city or town in favor of which a credit is certified the amount so certified.

Treasurer to withhold payment, &c.

Credits not to be allowed until assessors comply with requirements.

SECTION 10. No city or town shall be entitled to any allowance of credits or payments under this act, or under the two hundred and eighty-third chapter of the acts of the year eighteen hundred and sixty-five, in any year, until the assessors thereof shall have complied with the requirements of this act.

SECTION 11. Section three of chapter two hundred and forty-two of the acts of the year eighteen hundred and sixty-five, chapter three hundred and forty-nine of the acts of the year eighteen hundred and sixty-eight, so much of section one of chapter one hundred and eighty-eight of the acts of the year eighteen hundred and sixty-seven as requires the tax commissioner to transmit a copy of the list of shareholders in banks received by him, and all acts and parts of acts inconsistent herewith, are hereby repealed; but this repeal shall not revive any former acts by said acts repealed, or defeat any rights which have already accrued, and no bank, the shares in which are made taxable by this act, shall be subject to taxation under the provisions of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, and the acts in addition thereto, nor shall the shareholders be taxable except under the provisions of this act in respect to their shares therein.

Repeal.

Former acts not revived.

SECTION 12. The amount actually paid under the provisions of this act in each year by any savings bank or institution for savings on account of shares of stock which are its absolute property, shall be deducted from the amount of tax payable by such savings bank or institution for savings under the provisions of chapter two hundred and twenty-four of the acts of the year eighteen hundred and sixty-two, at the next succeeding semi-annual payment.

Amount paid by savings banks to be deducted from tax payable under 1862, 224.

SECTION 13. This act shall take effect upon its passage, and taxes shall be assessed and collected under the provisions thereof for the present year, in the same manner and to the same effect as if it had been in force on the first day of May.

When to take effect.

Approved May 26, 1871.

AN ACT TO ESTABLISH THE FIRST DISTRICT COURT OF SOUTHERN WORCESTER. *Chap. 391*

Be it enacted, &c., as follows :

SECTION 1. The towns of Sturbridge, Southbridge, Charlton, Dudley, Oxford and Webster shall constitute a judicial district under the jurisdiction of the court hereby established therein by the name of the First District Court of Southern Worcester. Said court shall, except as is hereinafter provided, have the same jurisdiction, power and authority, shall perform the same duties and be subject to the same regulations as are provided in respect to existing police courts, except the municipal courts of Boston and Worcester, by chapter one hundred and sixteen of the General Statutes and by all general laws passed in amendment thereof, applicable to the several police courts of the Commonwealth; and

First district court of Southern Worcester established.

all provisions of law relating to criminal and civil proceedings, the taxation of costs, the payment of fines, the expenses of court, the accounting and settling with county and town for money paid into court as forfeitures or otherwise, and all other returns and requirements of law applicable to the several police courts of the Commonwealth, except those before mentioned, shall apply to the First District Court of Southern Worcester hereby established.

One standing justice and two special justices.

SECTION 2. Said district court shall consist of one standing justice and two special justices, to be appointed, commissioned and qualified pursuant to the constitution and laws of the Commonwealth.

Either justice may issue warrants.

SECTION 3. Either of the justices of said court may issue warrants in all proper cases. No justice of the peace shall hereafter be allowed any fees for warrants issued within said district, and all warrants so issued shall be made returnable before said court.

Courts for civil and criminal business, when and where held.

SECTION 4. Said court for criminal business shall be held in some suitable place, to be furnished by the county of Worcester, in Southbridge, except legal holidays, on Monday, Wednesday and Friday, and in Webster on Tuesday, Thursday and Saturday in each week, at nine o'clock in the forenoon, and in the afternoon if required; and for civil business, in Southbridge on Monday, and in Webster on Tuesday in each week, and at such other times as may be fixed according to law.

Salary of standing justice; compensation of special justice.

SECTION 5. The standing justice of said court shall receive an annual salary of twelve hundred dollars, to be paid from the treasury of the Commonwealth; the compensation of the special justices shall be determined and paid in the manner now provided by law for special justices of police courts.

Original concurrent jurisdiction with superior court, where debt, &c., does not exceed \$300. Trial by jury upon demand of either party.

SECTION 6. Said court shall also have original concurrent jurisdiction with the superior court in the county of Worcester, in all personal actions, in which the debt or damages demanded, or property replevied does not exceed in amount or value three hundred dollars, and on the return day of the writ either party may demand a trial by jury, in writing, which shall be granted by said court. If neither party demand a trial by jury, the right to have such trial shall be taken to be waived. The jury trial shall be in accordance with the provisions of chapter one hundred and thirty-two of the General Statutes, and the judgment of said court in all actions in which the title to real estate is not put in issue by the pleadings, shall be final, unless appeal is taken therefrom,

or exceptions and appeals on matters of law are had as hereinafter provided.

SECTION 7. In all cases in said court except where a jury trial is had, or the value of the property replevied or the judgment of the court does not exceed the amount of fifty dollars, either party may appeal to the superior court in the manner now provided by law for taking appeals from the judgment of justices of the peace; and in cases where a jury trial is had, exceptions and appeals on matters of law may be had to the supreme judicial court in the manner now provided by law for taking exceptions and appeals from the superior court to the supreme judicial court.

SECTION 8. Whenever a jury shall become necessary for the trial of any action or proceeding in said district court under the provisions of this act, the justice of said district court is hereby authorized and required to issue writs of *venire facias*, directed to the sheriff of the county or either of his deputies or a constable of any city or town in the district, for the summoning of jurors; and the jurors shall be summoned from the towns in the judicial district.

SECTION 9. All proceedings duly commenced before any trial justice or justice of the peace for said county within said district, before this act shall take full effect, shall be prosecuted and determined as if this act had not been passed, and except as herein provided, the jurisdiction of trial justices and justices of the peace shall be excluded within the judicial district created by this act.

SECTION 10. No writ or process issued by said district court in civil actions or proceedings, shall run into or be served in any county other than Worcester County, except as provided in section seven of chapter one hundred and twenty, and in section seventy-seven of chapter one hundred and forty-two of the General Statutes. And in all civil actions in said court, wherein the writ or process is served upon the defendant in any county other than Worcester County, except as above provided, if the plaintiff names a sum not exceeding twenty dollars for debt or damages, he shall be entitled to no costs, except as provided in the following section, but the defendant shall recover the costs to which he would have been entitled had he been the prevailing party.

SECTION 11. If the plaintiff's claim in a writ served upon the defendant out of Worcester County as established on the trial, exceeds twenty dollars and is reduced to that amount or less, or overbalanced by set-offs which could not have been proved in payment, it shall be considered, for the purposes of the preceding section, as having exceeded twenty dollars,

Right of appeal.

Jury to be summoned from towns in district.

Proceedings already commenced before a trial justice to be determined.

Writ or process in civil actions not to serve into any county but Worcester.

Costs if plaintiff's claim in writ served upon defendant out of county exceeds twenty dollars.

and the party who finally recovers judgment in the suit shall be entitled to his costs.

Justice may retain fees sufficient to pay for services of special justices.

SECTION 12. The justice of said district court may retain for his own use, from the fees received in said court, all sums paid by him for the services of any special justice: *provided*, the sum so retained shall not in any one year exceed eight per centum of the annual salary of such justice: but no justice of said court shall receive any compensation besides his regular salary or allowances for making or issuing in any capacity, complaints, warrants, subpoenas or other process which he is by law authorized to issue, or for any service performed by him in the discharge of his official duties in said court.

When to take effect.

SECTION 13. This act shall take effect, so far as relates to the appointment, commissioning and qualifying the justices of said district court, upon its passage, and it shall take full effect on the first day of August next.

Approved May 26, 1871.

Chap. 392 AN ACT IN ADDITION TO AN ACT RELATING TO THE INCREASE OF CAPITAL STOCK BY CORPORATIONS.

Be it enacted, &c., as follows :

Railroad authorized to increase capital stock shall only issue and sell as many shares as will produce the amount of authorized increase.

SECTION 1. A railroad corporation authorized to increase its capital stock or to issue additional shares of stock for any purpose, shall, if the cash market value of its shares exceeds the par value thereof, sell and dispose of all shares of such new or additional stock for the benefit of the corporation in the manner provided in this act; and only such number of shares shall be issued as, so sold and disposed of, will produce the amount necessary for the purposes for which such increase or issue is duly authorized by law.

Shares to be offered for sale at public auction.

Notice of sale to be published in newspapers.

SECTION 2. All shares so issued shall be offered for sale to the highest bidder at public auction in the city of Boston, and notice of the time and place of such sale shall be published at least five times during the ten days immediately preceding the sale, in the newspaper in which the general laws are published, and in two other daily newspapers in said city; or, if the road of the corporation does not terminate in said city, such notice shall be published in the first-mentioned newspaper as aforesaid, and at least once a week for three successive weeks preceding the sale in one or more newspapers published in each county through or into which its road extends.

Not more than 2,000 shares to be offered for sale on the same day.

SECTION 3. Not exceeding two thousand shares of the stock of any such corporation shall be offered for sale on one and the same day; and no share shall be sold or issued

for a less sum to be actually paid in cash than the par value thereof.

SECTION 4. So much of chapter one hundred and seventy-nine of the acts of the year eighteen hundred and seventy as is inconsistent with the provisions of this act is hereby repealed; and said act is so amended that any corporation duly authorized to increase its capital stock may sell its shares at public auction for the benefit of the corporation: *provided*, that no share shall be sold or issued for a less sum to be actually paid in cash than the par value thereof.

Repeal of inconsistent provisions in 1870, 179.

Amendment.

Proviso.

SECTION 5. This act shall take effect on the first of August next.

Approved May 26, 1871.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND SIXTY-FOUR OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-ONE, RELATIVE TO THE DISTRICT COURTS OF NORTHERN AND SOUTHERN BERKSHIRE.

Chap. 393

Be it enacted, &c., as follows:

Section one of chapter two hundred and sixty-four of the acts of the year eighteen hundred and seventy-one is hereby amended by striking out from the fourth and fifth lines the words, "the judgment of the court" and inserting in lieu thereof the words "the amount claimed in the writ."

Amendment to 1871, 264, § 1.

Approved May 26, 1871.

AN ACT TO ESTABLISH A BETTER SYSTEM OF POLICE.

Chap. 394

Be it enacted, &c., as follows:

SECTION 1. The governor, with the advice and consent of the council, shall appoint three police commissioners, to hold office, one for one year, one for two years and one for three years from the first day of July in the year one thousand eight hundred and seventy-one, and annually after said first day of July shall appoint one such commissioner, who shall hold office for the term of three years, and whenever a vacancy occurs the governor and council shall fill the unexpired term.

Three police commissioners to be appointed by governor and council.

SECTION 2. It shall be the duty of the said commissioners to appoint constables of the Commonwealth, not exceeding seventy, as in their judgment may be required to faithfully execute the criminal laws of the Commonwealth. And said commissioners shall see to it that these officers are vigilant and faithful in the discharge of their duties. They shall listen to any complaints that may be made to them against said constables as to their maladministration or neglect of duty, give them a speedy hearing and continue or revoke their commissions, as in their judgment justice and equity may require. They shall have power to make all

Commissioners to appoint constables of the Commonwealth not exceeding seventy.

needful rules and regulations for the proper government of the constables appointed under this section.

Compensation of commissioners and allowance for travelling expenses.

Chief of the force.

SECTION 3. The compensation of said commissioners shall be five dollars per day when employed in the discharge of their duties, with their actual travelling expenses; but such compensation shall not exceed the sum of five hundred dollars per annum for each commissioner exclusive of travelling expenses. They shall designate and appoint one of the force provided for by section two of this act, as chief thereof and who shall have the command and direction of all the constables, subject to such rules and orders as the commissioners shall from time to time determine, and who shall receive an annual salary of three thousand dollars. He shall have an office in the city of Boston at such place as the commissioners approve.

Powers and duties of constables.

SECTION 4. The said constables shall have and exercise all the common law and statutory powers of constables, except the service of civil process, and also all the powers heretofore given to the constable of the Commonwealth or his deputies by the statutes of the Commonwealth, and their powers as constables shall extend throughout the Commonwealth. And the said constables shall at all times obey all orders of the governor in relation to the preservation of the public peace, or the execution of the laws throughout the Commonwealth, and it shall be their duty to see that the laws of the Commonwealth are observed and enforced.

Compensation of constables \$1,200 a year, and travelling expenses.

Fees and emoluments received by constables to be paid into the treasury.

SECTION 5. Each of said constables except the chief shall be paid monthly out of the treasury of the Commonwealth at the rate of twelve hundred dollars per annum, together with their actual travelling expenses, all fees which under the laws of the Commonwealth the said constables would be entitled to receive shall be paid into the treasury. All other compensation and emoluments received by them shall be paid over by them into the treasury and no salary shall be paid to any deputy until such deputy has made oath that he has paid over all such compensation and emolument. The accounts of said constables shall be verified by their affidavits and approved by the board of commissioners hereby appointed. The governor is hereby authorized to draw his warrant upon the treasury for the pay of said commissioners and constables.

Commissioners to meet at least once a month.
— to make annual report to the governor and council.

SECTION 6. The said commissioners shall meet at least once a month, and oftener when in their judgment the public interest requires it. They shall by the thirty-first of December in each year, report to the governor and council, in writing, a particular account of the doings of the force

under their charge, for the twelve months preceding said report.

SECTION 7. The governor shall have power at all times, in any emergency, of which he shall be the judge, to assume command of the whole or any part of the municipal, police and constabulary force in any place, and to authorize the chief constable to command their assistance in the execution of criminal process, in suppressing riots, and in preserving the peace.

Governor may assume command of police in any place and authorize chief constable to command their assistance.

SECTION 8. Whoever shall corruptly give, offer or promise to any officer, appointed under the provisions of this act, any gift or gratuity whatever, with intent to induce such officer to refuse or neglect faithfully and impartially to perform any of the duties of his office, shall be punished by imprisonment in the state prison not exceeding five years, or by fine not exceeding three thousand dollars, and imprisonment in the jail or house of correction not exceeding one year.

Penalty for bribing or attempting to bribe a constable.

SECTION 9. Any officer appointed under the provisions of this act who shall corruptly accept a gift or gratuity, or a promise to make a gift or to do an act beneficial to him, as an inducement to refuse or neglect faithfully and impartially to perform any of the duties of his office, shall forfeit his office, be forever disqualified to hold any public office, trust or appointment under the constitution or laws of this state, and be punished by imprisonment in the state prison not exceeding ten years, or by fine not exceeding five thousand dollars, and imprisonment in the jail or house of correction not exceeding two years. And when it shall be made to appear to said commissioners that such officer has been guilty of a violation of any of the criminal laws of the Commonwealth he shall be immediately discharged from office and prosecuted by complaint or indictment for the alleged offence.

Penalty for receiving a bribe.

Constable to be discharged for violation of any criminal law.

SECTION 10. Chapter two hundred and forty-nine of the acts of the year eighteen hundred and sixty-five, entitled an act to establish a state police, and all acts and parts of acts inconsistent with this act are hereby repealed; but such repeal shall not affect any case pending in court or commenced before the passage of this act. And the authority of the constable of the Commonwealth is continued so far as it may be necessary to complete the final disposition of any such case.

Repeal.

SECTION 11. So much of this act as relates to the appointment of commissioners, shall take effect upon its passage, and the act shall take effect upon the first day of July next.

When to take effect.

Approved May 26, 1871.

Chap. 395 AN ACT TO EXTEND THE TIME FOR LOCATING AND CONSTRUCTING THE BOSTON, BARRE AND GARDNER RAILROAD, AND TO AUTHORIZE CERTAIN CONTRACTS FOR THE USE OF OTHER RAILROADS.

Be it enacted, &c., as follows:

Time for locating and constructing extended.

SECTION 1. The time for locating and constructing the first and second sections of the railroad of the Boston, Barre and Gardner Railroad Corporation is hereby extended two years, and for locating and constructing the third section thereof, three years beyond the time now allowed by law.

May enter upon and unite with Vermont and Massachusetts and Cheshire Railroad, &c.

SECTION 2. Said corporation may, from the terminus of its present railroad in Gardner, enter upon, run over and use with its own motive power and cars, the railroad of the Vermont and Massachusetts Railroad Company eastwardly, to its junction with the railroad of the Cheshire Railroad Company in Ashburnham, and thence the railroad of said last named company to its junction with the railroad of the Monadnock Railroad Company in Winchendon; or, from said terminus in Gardner, the railroad of the Vermont and Massachusetts Railroad Company westwardly to its junction with the railroad of the Ware River Railroad Company in Templeton, and thence the railroad of said last named company to its junction with the railroad of the Cheshire Railroad Company, or the Monadnock Railroad Company in Winchendon, on such terms and conditions as may be agreed between said first named corporation and said other corporations upon either route respectively.

SECTION 3. This act shall take effect upon its passage.

Approved May 27, 1871.

Chap. 396 AN ACT MAKING APPROPRIATIONS TO MEET CERTAIN EXPENDITURES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

Appropriations authorized.

SECTION 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury of the Commonwealth, from the ordinary revenue, unless otherwise ordered, for the purposes specified in certain acts and resolves of the present year, and for other purposes, to wit:—

Widow of Charles Mattoon.

In the resolve, chapter eight, in favor of the widow of the late Charles Mattoon, the sum of three hundred and forty-six dollars and eighty-six cents.

New England hospital for women.

In the resolve, chapter nine, in favor of the New England hospital for women and children, the sum of one thousand dollars.

Eliza L. Freeland.

In the resolve, chapter ten, in favor of Eliza L. Freeland, the sum of two hundred and forty dollars.

- In the resolve, chapter eleven, providing for the erection of a hospital at the state almshouse at Tewksbury, a sum not exceeding twenty thousand dollars. Hospital at Tewksbury.
- In the resolve, chapter twelve, in favor of James M. W. Yerrinton, the sum of six hundred and forty dollars. James M. W. Yerrinton.
- In the resolve, chapter thirteen, in favor of Edward S. Philbrick, the sum of one thousand dollars. Edward S. Philbrick.
- In the resolve, chapter sixteen, in favor of Timothy Murphy, the sum of two hundred dollars. Timothy Murphy.
- In the resolve, chapter seventeen, in favor of the Springfield home for friendless women and children, the sum of two thousand dollars. Springfield home for friendless women, &c.
- In the resolve, chapter eighteen, in favor of John Peck, the sum of one hundred and thirty-five dollars. John Peck.
- In the resolve, chapter nineteen, in favor of the house of the angel guardian, the sum of three thousand five hundred dollars. House of the angel guardian.
- In the resolve, chapter twenty, in favor of Melia Walton, the sum of fifty-two dollars. Melia Walton.
- In the resolve, chapter twenty-two, in favor of the town of Dana, the sum of one hundred and seventy-one dollars and seven cents. Town of Dana.
- In the resolve, chapter twenty-three, in favor of the Danvers savings bank, the sum of nine hundred dollars and fifty cents. Danvers savings bank.
- In the resolve, chapter twenty-four, in favor of disabled soldiers who served in Massachusetts regiments, a sum not exceeding ten thousand dollars. Disabled soldiers.
- In the resolve, chapter twenty-six, in favor of the temporary asylum for discharged female prisoners, the sum of two thousand dollars. Discharged female prisoners.
- In the resolve, chapter twenty-seven, in favor of the towns of Pittsfield, Hancock and Tyringham, the sum of eight hundred and thirty-nine dollars and ninety-two cents. Pittsfield, Hancock and Tyringham.
- In the resolve, chapter twenty-eight, in favor of the town of Westport, the sum of forty-six dollars. Westport.
- In the resolve, chapter thirty-one, in favor of James Sweeney, the sum of one hundred and eighty-eight dollars. James Sweeney.
- In the resolve, chapter thirty-two, relating to evidence of service of Massachusetts men during the war of eighteen hundred and twelve, a sum not exceeding three hundred dollars. War of 1812.
- In the resolve, chapter thirty-three, in aid of Dukes county academy, the sum of five thousand dollars. Dukes county academy.
- In the resolve, chapter thirty-five, authorizing payment for books furnished to the state prison, the sum of three hundred and eighteen dollars and seventeen cents. Books for state prison.

Washingtonian home.	In the resolve, chapter thirty-nine, in favor of the Washingtonian home, the sum of six thousand dollars.
Eye and ear infirmary.	In the resolve, chapter forty, in favor of the Massachusetts charitable eye and ear infirmary, the sum of six thousand dollars.
Antietam cemetery.	In the resolve, chapter forty-one, in relation to the Antietam national cemetery, the sum of one thousand five hundred and seventy-four dollars.
Edward F. Campbell.	In the resolve, chapter forty-two, in favor of Edward F. Campbell, the sum of fifty-four dollars.
New Bedford institution for savings.	In the resolve, chapter forty-six, providing for the reimbursement of taxes paid by the New Bedford institution for savings, the sum of six thousand nine hundred and sixteen dollars and sixteen cents.
Towns of Ayer and Maynard.	In the resolve, chapter fifty, to provide the towns of Ayer and Maynard with law reports, general and special laws, etc., and standard weights, measures and balances, a sum not exceeding two thousand dollars.
Office for harbor commissioners.	In the resolve, chapter fifty-one, to provide the board of harbor commissioners with office accommodations, a sum not exceeding two thousand five hundred dollars.
Normal school-house at Bridgewater.	In the resolve, chapter fifty-two, relating to the normal school-house at Bridgewater, the sum of fifteen thousand dollars, the same to be reimbursed in accordance with the provisions of said resolve.
Gay Head public schools.	In the resolve, chapter fifty-four, granting aid to the town of Gay Head for the support of its public schools, the sum of fifty dollars, payable from the income of the Massachusetts school fund applicable to educational purposes.
County maps.	In the resolve, chapter fifty-five, in relation to certain county maps, a sum not exceeding four hundred and fifty dollars.
Clerical assistance for governor.	In the resolve, chapter fifty-six, authorizing the governor to employ additional clerical assistance, a sum not exceeding four thousand dollars.
Police court in Fitchburg.	In the act, chapter eighty-six, relating to the police court in Fitchburg, a sum not exceeding four hundred and twenty dollars for the present year, for the salary of the clerk therein authorized.
Police court in Holyoke.	In the act, chapter one hundred and seventy-three, establishing a police court in Holyoke, a sum not exceeding one thousand three hundred and twenty-five dollars, for the salary of the standing justice of said court for the present year.
Compensation of senators and representatives.	In the act, chapter one hundred and ninety, fixing the compensation of the legislature, a sum not exceeding one hundred and twenty-eight thousand dollars in addition to

the amount heretofore appropriated for the present year, viz. : for the compensation of senators, nineteen thousand dollars ; and for the compensation of representatives, one hundred and nine thousand dollars.

In the act, chapter two hundred and seventy-seven, to increase the salary of the judge of probate for the county of Suffolk, a sum not exceeding six hundred and fifty dollars, in addition to the appropriation heretofore made for the present year.

Judge of probate for Suffolk.

In the act, chapter two hundred and ninety-four, for establishing boundary lines of the state prison lands, a sum not exceeding one hundred dollars, payable from the appropriation for expenses of the state prison.

State prison lands.

In the act, chapter two hundred and ninety-seven, relating to insurance companies, a sum not exceeding three thousand three hundred dollars for the present year, viz. : for the salary of the deputy insurance commissioner, one thousand nine hundred dollars ; for additional clerical assistance, one thousand one hundred dollars ; and for contingent expenses attending the examinations therein authorized, three hundred dollars.

Deputy insurance commissioner.

Clerical assistance.
Contingent expenses.

In the act, chapter three hundred and two, to increase the expenditures and compensation of the agent for discharged convicts, a sum not exceeding two hundred and fifty dollars for the expenditures and one hundred dollars for the salary of said agent for the present year.

Agent for discharged convicts.

For contingent expenses of the senate and house of representatives, and necessary expenses in and about the state house, for the year eighteen hundred and seventy, a sum not exceeding two hundred and fifty-six dollars and twenty-two cents ; and a sum not exceeding three hundred dollars, in addition to the amount heretofore appropriated for the present year.

Contingent expenses of senate and house.
G. S. 14, § 62.

For books, stationery, printing and advertising, ordered by the sergeant-at-arms for the legislature, a sum not exceeding three hundred dollars, in addition to the amount heretofore appropriated for the present year.

Books, stationery, &c., for legislature.
Res. 1856, 74.

For expenses incurred in the placing and inauguration of the statue of the late GOVERNOR ANDREW, as authorized by an order of the present legislature, a sum not exceeding one thousand six hundred and fifty dollars.

Statue of Gov. ANDREW.

For fees and expenses of summoning witnesses before committees, and for the fees of such witnesses, a sum not exceeding one thousand five hundred dollars in addition to the appropriation heretofore made for the present year.

Fees, &c., of witnesses before committees.
G. S. 15 ; 1869, 309.

Printing and
binding.
Res. 1856, 74.

For printing and binding, ordered by the senate or house of representatives, or by the concurrent order of the two branches, a sum not exceeding eight thousand dollars, in addition to the appropriation heretofore made for the present year.

Blanks, circulars, &c.
Res. 1856, 74.

For printing blanks and circulars, and the calendar of orders of the day for the use of the house and senate, a sum not exceeding three hundred dollars each, in addition to the appropriations heretofore made for the present year.

Public documents.
G. S. 4.

For printing and binding the series of public documents in the last quarter of the year eighteen hundred and seventy, a sum not exceeding twelve thousand dollars, in addition to the amount heretofore appropriated.

Postage, &c.,
for governor
and council.
Res. 1856, 74.

For postage, printing and stationery for the governor and council, a sum not exceeding four hundred dollars, in addition to the amount heretofore appropriated for the present year.

Special laws.

For printing and binding the special laws, as authorized by chapter twenty-one of the resolves of eighteen hundred and seventy, a sum not exceeding one thousand seven hundred and thirty-one dollars and ninety cents, in addition to the appropriation heretofore made.

Treasurer and
receiver-general.
G. S. 14.

For expenses of the department of the treasurer and receiver-general, a sum not exceeding one thousand dollars, in addition to the appropriation heretofore made for the present year.

Apportionment
of state and
county taxes.

For the purchase of books, printing of blanks, and for other contingent expenses connected with the apportionment of state and county taxes, in accordance with the provisions of chapter one hundred and twenty-five of the acts of the present year, a sum not exceeding six thousand five hundred dollars.

Expenses of
members of
board of agri-
culture.
G. S. 16.
Soldiers' and
sailors' testi-
monials.

For the personal expenses of members of the board of agriculture, in the year eighteen hundred and seventy, a sum not exceeding seventy-six dollars.

For the purchase of soldiers' and sailors' testimonials, as authorized by chapter fifty-three of the resolves of eighteen hundred and sixty-nine, a sum not exceeding six thousand dollars, in addition to the amount heretofore appropriated.

Quartermas-
ters' supplies.
1866, 219; 1867,
266.

For quartermasters' supplies, a sum not exceeding eight thousand dollars.

Militia bounty.
1866, 219; 1867,
266.

For militia bounty for the year eighteen hundred and seventy, a sum not exceeding fifty dollars.

Support and
burial of state
paupers.

The unexpended balances of appropriations made in the years eighteen hundred and sixty-seven to eighteen hundred

and seventy, inclusive, for the support and burials of state paupers, are hereby re-appropriated for the same purposes.

For expenses of coroners' inquests for the year eighteen hundred and seventy, a sum not exceeding fifty dollars.

Coroners' inquests.
G. S. 157, 175.

For the repair of damages caused by lightning to the house at Rainsford Island, a sum not exceeding three hundred dollars.

Repairs of Rainsford Island.
G. S. 71.

For expenses attending the arrest of fugitives from justice, a sum not exceeding one thousand five hundred dollars, in addition to the amount heretofore appropriated for the present year.

Fugitives from justice.
G. S. 177.

For necessary expenditures under the provisions of chapter four hundred and forty-six of the acts of the year eighteen hundred and sixty-nine, relating to the purchase of certain lands for the benefit of the Commonwealth's flats in Boston harbor, a sum not exceeding twenty thousand dollars.

Commonwealth's flats in Boston harbor.

For the compensation and expenses of the commissioner appointed under authority of chapter sixty-seven of the resolves of the year eighteen hundred and sixty-six, relating to the establishment of boundary lines at Gay Head, a sum not exceeding one thousand and fifty-one dollars.

Boundary lines at Gay Head.

For expense incurred under authority of chapter sixty-two of the resolves of the year eighteen hundred and seventy, relating to the settlement of claims between the Commonwealth and the Troy and Greenfield railroad company, a sum not exceeding fifty-nine thousand sixteen dollars and eighty-seven cents.

Settlement of claims between Commonwealth and Troy and Greenfield railroad company.

For any expenses incurred in accordance with the provisions of chapter forty of the resolves of the year eighteen hundred and sixty-seven, relative to the laying out of a public square in front of the state arsenal at Cambridge, a sum not exceeding three hundred dollars.

Public square in front of state arsenal at Cambridge.

For the payment of state aid, as authorized in sundry acts and resolves, a sum not exceeding five hundred dollars.

State aid under special laws.

For steam-heating and gas apparatus, additional furniture, etc., for the normal school boarding-house at Framingham, a sum not exceeding one thousand nine hundred and eighty-one dollars and thirty-one cents, in addition to the appropriation heretofore made, and payable from the income of the Massachusetts school fund applicable to educational purposes.

Normal school boarding-house at Framingham.
1855, 96.

For the purchase of a boat for the use of the general agent of the board of state charities in boarding emigrant vessels, a sum not exceeding two hundred dollars.

Boat for general agent of state charities.
1863, 340.

For sundry small items of expenditure due and unpaid in the year eighteen hundred and seventy and previous years,

Deficiencies in 1870, &c.

Messenger of
surgeon-gen-
eral.

a sum not exceeding five hundred dollars, which shall be allowed and paid.

For the messenger of the surgeon-general two hundred dollars, in addition to the amount heretofore appropriated, which shall be allowed and paid.

SECTION 2. This act shall take effect upon its passage.

Approved May 31, 1871.

Chap. 397

AN ACT RELATING TO SOUTH BAY AND THE COMMONWEALTH'S FLATS NEAR SOUTH BOSTON.

Be it enacted, &c., as follows:

Res. 1871, 91,
not to suspend
action under
1869, 326, 1871,
335, or 1871, 372.

SECTION 1. Nothing contained in chapter ninety-one of the resolves of the current year, entitled "A Resolve concerning the Commonwealth's flats near South Boston," shall operate so as to suspend action under chapter three hundred and seventy-two of the acts of the current year, entitled "An Act in addition to certain acts for the improvement of the harbor of Boston and the Commonwealth's flats therein," or under chapter three hundred and thirty-five of the acts of the current year, entitled "An Act for the improvement of navigation in South Bay and the modification of its harbor lines," or under chapter three hundred and twenty-six of the acts of the year eighteen hundred and sixty-eight, entitled "An Act in addition to an act for the improvement of the harbor of Boston and the Commonwealth's flats therein."

SECTION 2. This act shall take effect upon its passage.

Approved May 31, 1871.

Chap. 398

AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS TO MEET CERTAIN EXPENDITURES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

Appropriations
authorized.

SECTION 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury of the Commonwealth, from the ordinary revenue, except in cases otherwise ordered, for the purposes specified in several acts and resolves of the present year, and for other purposes, to wit:—

Museum of
zoology.

In the resolve, chapter fifty-nine, in favor of the museum of zoölogy, the sum of fifty thousand dollars.

William S.
Shurtleff.

In the resolve, chapter sixty, in favor of William S. Shurtleff, the sum of seventy-five dollars.

William A.
Kenrick.

In the resolve, chapter sixty-two, in favor of William A. Kenrick, the sum of seven hundred and eighty dollars.

Henry J.
Coolidge.

In the resolve, chapter sixty-three, in favor of Henry J. Coolidge, the sum of five hundred dollars.

William Wash-
burn and Son.

In the resolve, chapter sixty-four, in favor of William Washburn and Son, the sum of eight thousand dollars.

In the resolve, chapter sixty-five, relative to a school at the Hoosac tunnel, the sum of three hundred dollars, payable from the income of the Massachusetts school fund applicable to educational purposes.

School at Hoosac tunnel.

In the resolve, chapter sixty-six, concerning a state prison for women, a sum not exceeding five hundred dollars.

State prison for women.

In the resolve, chapter seventy, in favor of Adeline V. Stevens, the sum of one hundred and ninety-two dollars.

Adeline V. Stevens.

In the resolve in favor of Barnard C. Marchant, the sum of thirty-seven dollars and sixty-four cents.

Barnard C. Marchant.

In the resolve providing for the repair and improvement of the state house, a sum not exceeding five thousand dollars.

State house.

In the resolve in favor of the discharged soldiers' employment bureau, the sum of three thousand dollars.

Discharged soldiers.

In the resolve providing for the erection of a building for the harmless and incurable insane at the state almshouse at Tewksbury, a sum not exceeding twenty-five thousand dollars.

Almshouse at Tewksbury.

In the resolve for supplying breech-loading arms to the volunteer militia, a sum not exceeding fifty thousand dollars.

Breech-loading arms.

In the resolve relating to the compensation of the lieutenant-governor and council, a sum not exceeding two thousand dollars in addition to the appropriation heretofore made for the present year.

Lt.-governor and council.

In the resolve relating to the compensation of the chaplains, doorkeepers, messengers and pages of the senate and house of representatives, a sum not exceeding five thousand nine hundred dollars, viz. : for the compensation of chaplains, four hundred dollars; and for the compensation of doorkeepers, messengers and pages, five thousand five hundred dollars; the same to be in addition to the appropriations heretofore made for the present year.

Messengers, &c., of the senate and house.

In the resolve in favor of the Worcester manufacturers' mutual insurance company, the sum of three hundred twenty-four dollars and thirty-two cents.

Worcester M. I. company.

In the resolve in favor of George Rice, the sum of one thousand five hundred dollars.

George Rice.

In the resolve in relation to the agricultural college, the sum of fifty thousand dollars; and also a sum not exceeding one hundred and forty-two thousand dollars for payment to the fund therein specified.

Agricultural college.

In the resolve relating to the compensation of the assistant-clerks of the senate and house of representatives, the sum of fifteen hundred and fifty dollars.

Assistant-clerks.

In the resolve in favor of Hannah M. Needham, the sum of one hundred and seventy-two dollars.

Hannah M. Needham.

Police courts of
Haverhill and
Fall River.

In the act, chapter three hundred and fourteen, to increase the salaries of the clerks of the police courts of Haverhill and Fall River, a sum not exceeding one hundred dollars for each in addition to the appropriations heretofore made for the present year.

Coroners' in-
quests.

In the act, chapter three hundred and forty-one, relating to coroners' inquests, a sum not exceeding one thousand dollars in addition to the amount heretofore appropriated for the present year.

Jail at Green-
field.

In the act concerning the use of the jail at Greenfield for female prisoners, a sum not exceeding two thousand dollars.

Clerk dis. ct. for
S. Berkshire.

In the act authorizing the appointment of a clerk for the district court of Southern Berkshire, a sum not exceeding two hundred dollars, for the salary of said clerk for the present year.

Clerk dis. ct. for
N. Berkshire.

In the act fixing the salary of the clerk of the district court of Northern Berkshire, a sum not exceeding four hundred dollars in addition to the amount heretofore appropriated for the present year.

Deputy tax
commissioner.

In the act fixing the salary of the deputy tax commissioner, the sum of five hundred dollars in addition to the amount heretofore appropriated for the present year.

Police.

In the act to establish a better system of police, a sum not exceeding eighteen thousand five hundred dollars in addition to any balances of the several appropriations heretofore made for the compensation and expenses of the state police for the present year which may remain unexpended, such balances being hereby made applicable under the provisions of said act.

Assistant regis-
ter for Norfolk.

In the act to establish the salary of the assistant register of probate and insolvency for the county of Norfolk, the sum of three hundred dollars in addition to the appropriation heretofore made for the present year.

Adjutant-Gen-
eral's clerks.

In the act to establish the salaries of certain extra clerks in the adjutant general's department, the sum of four hundred dollars; and also a sum not exceeding one hundred and five dollars for additional clerical assistance in addition to the appropriation heretofore made for the present year.

Auditor and
Treasurer's
clerks.

In the act to establish the salaries of the second or first assistant clerk in the department of the auditor of accounts, and of the first assistant clerk in the department of the treasurer and receiver-general, the sum of six hundred dollars in addition to the appropriations heretofore made for the present year.

Dist. Court for
S. Worcester.

In the act to establish the first district court of Southern Worcester, a sum not exceeding seven hundred and twenty-

five dollars for the salary of the standing justice of said court for the present year.

In the act to establish the salaries of the justice and clerk of the municipal court of the southern district of Boston, the sum of twelve hundred dollars, viz.: for the salary of the justice, seven hundred dollars; and for the salary of the clerk, five hundred dollars; the same to be in addition to the appropriations heretofore made for the present year.

Municipal Ct.
S. District of
Boston.

For the compensation and expenses of the commissioners on Cape Cod harbor, appointed under the provisions of chapter eighty-six of the resolves of eighteen hundred and sixty-seven, a sum not exceeding three hundred ninety-five dollars and thirty-three cents in final settlement, and payable whenever said commissioners shall have paid into the state treasury the Commonwealth's funds in their possession.

Commissioners
on Cape Cod
harbor.

For the purchase of stationery for the secretary's department under the provisions of chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy, concerning manufacturing and other corporations, a sum not exceeding five hundred dollars.

Stationery for
secretary.

For the reimbursement of the Massachusetts infant asylum for the support of infants having no known settlement in the Commonwealth, a sum not exceeding three thousand dollars.

Infant asylum.

For the phonographic report of hearings before the committee on the state police, a sum not exceeding one thousand three hundred seventeen dollars and fifty cents.

Phonographic
report.

For newspapers ordered by the clerk of the Senate, in compliance with its order, for the use of the members, a sum not exceeding fifty dollars, which shall be allowed and paid; and for newspapers ordered by the clerk of the house of representatives, in compliance with its order, for the use of the members, a sum not exceeding forty five dollars, which shall be allowed and paid.

Newspapers.

For expenses incurred under authority of chapter sixty-two of the resolves of the year eighteen hundred and seventy, relating to the settlement of claims between the Commonwealth and the Troy and Boston railroad company, a sum not exceeding fifty-nine thousand sixteen dollars and eighty-seven cents, in lieu of the appropriation heretofore made in another appropriation bill of the present year for the settlement of claims between the Commonwealth and the Troy and Greenfield railroad company.

Settlement of
claims between
Commonwealth
and Troy and
Boston railroad
company.

For the assistant messenger of the governor and council, two hundred dollars in addition to the amount heretofore appropriated.

Asst.-messen-
ger of governor
and council.

SECTION 2. This act shall take effect upon its passage.

Approved May 31, 1871.

Chap. 399 AN ACT IN FURTHER ADDITION TO AN ACT MAKING APPROPRIATIONS TO MEET CERTAIN EXPENDITURES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows :

Appropriations
authorized.

SECTION 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury of the Commonwealth from the ordinary revenue, except in cases otherwise ordered, for the purposes specified in certain acts and resolves of the present year, and for other purposes, to wit:—

Troy and Green-
field railroad.
Repairs.

For additional allowance in full on account of repairs of the Troy and Greenfield railroad, as authorized by chapter two hundred and fifty-two of the acts of the year eighteen hundred and seventy, and by chapter one hundred and fifty-three of the acts of the present year, a sum not exceeding forty-two thousand one hundred and sixty dollars and twenty-one cents.

SECTION 2. This act shall take effect upon its passage.

Approved May 31, 1871.

RESOLVES,

GENERAL AND SPECIAL.

RESOLVE IN FAVOR OF EDWIN CHASE.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, the sum of forty-two dollars to Edwin Chase, in payment of mileage and per diem allowance for the time he was a member of the senate at the present session.

Approved January 24, 1871.

Chap. 1.
Allowance for mileage.

RESOLVE AUTHORIZING THE TREASURER TO BORROW MONEY IN ANTICIPATION OF THE REVENUE.

Resolved, That the treasurer and receiver-general be, and he hereby is, authorized to borrow, in anticipation of the receipts of the present year, such sums of money as may, from time to time be necessary for the payment of the ordinary demands on the treasury, at any time before the expiration of fifteen days after the meeting of the next general court, at such rates of interest as shall be found necessary; and that he repay any sum he may borrow under this resolve, as soon as money sufficient for the purpose, and not otherwise appropriated, shall be received into the treasury.

Approved January 25, 1871.

Chap. 2.

Treasurer may borrow money to meet ordinary demands upon treasury.

RESOLVE TO AID IN THE SUPPRESSION OF CONTAGIOUS DISEASES AMONG CATTLE.

Resolved, That there be allowed and paid out of the treasury, a sum not exceeding five thousand dollars to be expended under the direction of the cattle commissioners for the purpose of exterminating contagious cattle diseases in the state, the same to include all expenditures heretofore made, and the same is hereby appropriated.

Approved February 7, 1871.

Chap. 3.
Allowance of \$5,000 for exterminating contagious cattle diseases.

RESOLVE IN RELATION TO THE BOSTON, HARTFORD AND ERIE RAILROAD COMPANY.

Resolved, That authority be, and is hereby given to his excellency the governor, at his discretion, to take such measures as he shall deem proper and expedient to maintain and enforce the rights and interests of the Common-

Chap. 4.
Governor authorized to enforce rights of state under "Berdell" bonds of Bos.

ton, Hartford
and Erie Rail-
road Company.

Appropriation
of \$50,000.

wealth in and under the bonds of the Boston, Hartford and Erie Railroad Company, secured by a mortgage made by said company to Robert H. Berdell and others, trustees, dated March nineteenth, in the year one thousand eight hundred and sixty-six, and to appoint and employ such agents or attorneys as he may deem necessary for this purpose. And that for the expenses incurred in the execution of this resolve, the governor be, and he is hereby authorized to draw his warrant on the treasury to an amount not exceeding in all, the sum of fifty thousand dollars, and the same is hereby appropriated.

Approved February 7, 1871.

Chap. 5.

Acceptance of
bust of George
S. Boutwell.

Bust to be
placed in state
library.

RESOLVES CONCERNING A BUST OF GEORGE S. BOUTWELL.

Resolved, That the legislature of Massachusetts accept from Isaac Rich and others the marble bust of George S. Boutwell; and that the thanks of the legislature be and are hereby tendered to said donors for the same.

Resolved, That the bust be placed in the state library under the direction of the president of the senate and the speaker of the house of representatives, there to remain until the further order of the legislature.

Approved February 7, 1871.

Chap. 6.

Plates from
which bonds
have been
struck, the issue
of which has
ceased, and im-
pressions not to
be issued, to be
destroyed.

RESOLVE AUTHORIZING THE DESTRUCTION OF CERTAIN PLATES AND PRINTED IMPRESSIONS OF BONDS.

Resolved, That all plates from which have been struck bonds of the Commonwealth, the issue of which has ceased, and all printed impressions of bonds which are not to be issued, be destroyed; and the president of the senate and speaker of the house of representatives respectively, are hereby authorized to appoint a committee of two senators and three representatives to carry into effect this resolve.

Approved February 7, 1871.

Chap. 7.

Commissioners
of Worcester
county may bor-
row \$100,000 to
build jail and
house of correc-
tion.

RESOLVE AUTHORIZING THE COUNTY COMMISSIONERS FOR THE COUNTY OF WORCESTER TO BORROW MONEY.

Resolved, That the county commissioners for the county of Worcester are hereby authorized to borrow, on the credit of said county, a sum of money not exceeding one hundred thousand dollars, to be expended in building a county jail, to be used also as a house of correction, at Worcester, in said county.

Approved February 7, 1871.

Chap. 8.

Allowance of
\$346.86 to Lucia
A. Mattoon.

RESOLVE IN FAVOR OF THE WIDOW OF THE LATE CHARLES MATTOON.

Resolved, That there be allowed and paid to Lucia A. Mattoon, widow of the late Charles Mattoon, at the time of his death judge of probate and insolvency for the county of

Franklin, the sum of three hundred and forty-six dollars and eighty-six cents, for the salary to which he would have been entitled for the remainder of the year, if living.

Approved February 13, 1871.

RESOLVE IN FAVOR OF THE NEW ENGLAND HOSPITAL FOR WOMEN
AND CHILDREN.

Chap. 9.

Resolved, That there be allowed and paid to the New England Hospital for Women and Children, out of the treasury of the Commonwealth, the sum of one thousand dollars, to aid in defraying the expenses of indigent patients in said institution : *provided*, that the secretary and agent of the board of state charities shall have authority to visit said hospital for the examination of cases of pauperism ; and the agent shall use all reasonable care to collect the cost of support in such cases from parties legally chargeable therewith, and to remove patients having no settlement in this Commonwealth ; and *provided, also*, that an equal amount shall be raised from other sources for the purposes of the institution ; and *provided, also*, that the managers of said hospital shall report to the board of state charities as required by chapter two hundred and forty-three of the acts of the year eighteen hundred and sixty-seven.

Allowance of \$1,000 for benefit of indigent patients.

Provisos.

Approved February 20, 1871.

RESOLVE IN FAVOR OF ELIZA L. FREELAND.

Chap. 10.

Resolved, That there be allowed and paid to Eliza L. Freeland, guardian of John L. and Franklin G. Mandeville, the sum of two hundred and forty dollars, being the sum due, including interest, to the said John L. and Franklin G. Mandeville for state aid.

Allowance of \$240 for state aid.

Approved February 24, 1871.

RESOLVE PROVIDING FOR THE ERECTION OF A HOSPITAL AT TEWKSBURY.

Chap. 11.

Resolved, That there be allowed and paid out of the treasury, for the purpose of erecting, furnishing and heating a hospital, at the state almshouse at Tewksbury, of sufficient capacity to accommodate one hundred and sixty patients, a sum not exceeding twenty thousand dollars ; and that the board of inspectors and superintendent of said institution constitute a commission to carry the same into effect ; said appropriation to be payable upon properly approved vouchers, filed with the auditor.

Allowance of \$20,000 for erection of hospital.

Approved March 8, 1871.

RESOLVE IN FAVOR OF JAMES M. W. YERRINTON.

Chap. 12.

Resolved, That there be allowed and paid from the treasury to James M. W. Yerrinton, the sum of six hundred and forty dollars in full compensation for report of the evidence and arguments in the hearings before the

Allowance of \$640 for report of evidence before committee on railways.

legislative committee on railways of the year eighteen hundred and seventy, in the matter of the Boston, Hartford and Erie Railroad Company. *Approved March 11, 1871.*

Chap. 13.

Allowance of \$1,000 to Edward S. Philbrick.

RESOLVE IN FAVOR OF EDWARD S. PHILBRICK.

Resolved, That there be allowed and paid out of the treasury to Edward S. Philbrick the sum of one thousand dollars in full compensation for services rendered the state in relation to the Boston, Hartford and Erie Railroad.

Approved March 11, 1871.

Chap. 14.

Adjutant-general to deliver testimonials to certain soldiers and sailors in the regular army and navy.

RESOLVE IN RELATION TO SOLDIERS' TESTIMONIALS.

Resolved, That the adjutant-general deliver testimonials, provided for in the fifty-third chapter of the resolves of the year eighteen hundred and sixty-nine, to all soldiers and sailors who enlisted in the regular army and navy between April sixteenth, eighteen hundred and sixty-one, and March seventeenth, eighteen hundred and sixty-three, upon their producing satisfactory proof that they were residents of Massachusetts at the time of their enlistments, and have been honorably discharged from service.

Approved March 18, 1871.

Chap. 15.

Governor may issue arms for use of pupils of Dean Academy of Franklin.

RESOLVE TO AUTHORIZE THE ISSUE OF ARMS TO THE DEAN ACADEMY.

Resolved, That the governor be and hereby is authorized to issue to the president of Dean Academy of Franklin, such arms for the use of the pupils of said academy, as in his judgment, may be so distributed without detriment to the militia service: *provided*, the president and faculty of said Dean Academy shall give a bond, with sufficient sureties, for the return of said arms in good order and condition, whenever the governor shall so direct.

Approved March 22, 1871.

Chap. 16.

Allowance of \$200 for injuries received at Hoosac tunnel.

RESOLVE IN FAVOR OF TIMOTHY MURPHY.

Resolved, That there be allowed and paid out of the treasury to Timothy Murphy, the sum of two hundred dollars, for injuries sustained at the Hoosac tunnel while in the employment of the Commonwealth.

Approved March 22, 1871.

Chap. 17.

Allowance of \$2,000, if a like sum is realized during the year from private donations.

RESOLVE IN FAVOR OF THE SPRINGFIELD HOME FOR FRIENDLESS WOMEN AND CHILDREN.

Resolved, That there be allowed and paid out of the treasury the sum of two thousand dollars to the Springfield Home for Friendless Women and Children: *provided*, that the said institution shall, during the current year, realize a like sum from private donations, a sworn certificate of which

shall be deposited with the auditor before said sum of two thousand dollars shall be paid from the treasury. The managers of said home shall report to the board of state charities, as required by chapter two hundred and forty-three of the acts of the year eighteen hundred and sixty-seven.

Managers to report to board of state charities.

Approved March 22, 1871.

RESOLVE IN FAVOR OF JOHN PECK.

Chap. 18.

Resolved, For reasons set forth in the petition of John Peck, that there be allowed and paid out of the treasury to said petitioner, the sum of one hundred and thirty-five dollars for state aid.

Allowance of \$135 for state aid.

Approved March 24, 1871.

RESOLVE IN FAVOR OF THE HOUSE OF THE ANGEL GUARDIAN.

Chap. 19.

Resolved, That there be allowed and paid out of the treasury the sum of thirty-five hundred dollars, to the trustees of The House of the Angel Guardian in Boston: *provided*, that a like sum of thirty-five hundred dollars shall be realized by said trustees from other sources, during the current year, a sworn certificate of which shall be deposited with the auditor of the Commonwealth, before the said sum of thirty-five hundred dollars shall be paid from the treasury. The trustees of said institution shall annually report to the board of state charities an account of their receipts and expenditures, in accordance with the provisions of chapter two hundred and forty-three of the acts of the year eighteen hundred and sixty-seven; and said board shall have the right at all times to visit and inspect said institution.

Allowance of \$3,500, if a like sum is realized during the year from other sources.

Trustees to report annually to board of state charities.

Approved March 24, 1871.

RESOLVE IN FAVOR OF MELIA WALTON.

Chap. 20.

Resolved, That there be allowed and paid out of the treasury to Melia Walton, the sum of fifty-two dollars, being the amount of state aid to which she was entitled from December first, eighteen hundred and sixty-nine, to June sixteenth, eighteen hundred and seventy.

Allowance of \$52 for state aid.

Approved March 24, 1871.

RESOLVE IN FAVOR OF MARGARET K. DEARBORN.

Chap. 21.

Resolved, That there be allowed and paid to Margaret K. Dearborn, widow of George A. Dearborn, for herself and minor children, state aid from and after April first, eighteen hundred and seventy, to the same amount that she would have been entitled, had her husband died while in the service of the United States.

Allowance for state aid.

Approved March 24, 1871.

Chap. 22.

Allowance of
\$171.07 to town
of Dana.

RESOLVE IN FAVOR OF THE TOWN OF DANA.

Resolved, That for reasons set forth in the petition of the overseers of the poor of the town of Dana, there be allowed and paid out of the treasury to said town the sum of one hundred and seventy-one dollars and seven cents.

Approved March 24, 1871.

Chap. 23.

Allowance of
\$900.50 for over-
paid bank tax.

RESOLVE IN FAVOR OF THE DANVERS SAVINGS BANK.

Resolved, That there be allowed and paid out of the treasury, to the Danvers Savings Bank, the sum of nine hundred dollars and fifty cents, being for reimbursement of bank tax overpaid by said corporation.

Approved March 24, 1871.

Chap. 24.

RESOLVES IN FAVOR OF DISABLED SOLDIERS WHO HAVE SERVED IN MASSACHUSETTS REGIMENTS.

Allowance of
\$10,000 to the
surgeon-gen-
eral, for care of
disabled sol-
diers.

Resolved, That there be allowed and paid out of the treasury to the surgeon-general of the Commonwealth the sum of ten thousand dollars, the same to be expended in making provision for the proper care of such disabled soldiers as have served in Massachusetts regiments, and who are in his judgment proper objects of special aid on the part of the state; the surgeon-general, in caring for such soldiers, to have a humane reference to their being near their homes and friends; also to have power to use such portion of the above appropriated sum as he may deem necessary in aid of the widows or orphans of those who have lost their lives from service in Massachusetts regiments. Said surgeon-general to make a quarter-yearly report of his doings under this resolve to the governor and council.

Surgeon-gen-
eral to make
quarterly report
to governor and
council.
Resolve 1870, 51,
repealed.

Resolved, That chapter fifty-one of the resolves of the year eighteen hundred and seventy is hereby repealed, and that the governor and council are hereby authorized to pay to the commissioners appointed under said chapter fifty-one of the resolves of said year, such compensation as shall appear to be due said commissioners for services rendered; also that the surgeon-general be allowed, in his discretion, to expend a sum from the above appropriation not exceeding twelve hundred dollars in liquidation of any debts that may have been incurred by the "Discharged Soldiers' Home, in Boston," so called, in support of the diseased or disabled soldiers of Massachusetts regiments.

Approved March 29, 1871.

Chap. 25.

County taxes.

RESOLVE GRANTING TAXES TO THE SEVERAL COUNTIES.

Resolved, That the sums placed against the names of the several counties in the following schedule be, and are hereby

granted as a tax for each county respectively, to be collected and applied according to law, viz. :—

Barnstable.—Fifteen thousand dollars.

Berkshire.—Sixty-seven thousand dollars.

Bristol.—Seventy thousand dollars.

Dukes.—Four thousand eight hundred dollars.

Essex.—One hundred and twenty thousand dollars.

Franklin.—Thirty thousand dollars.

Hampden.—Thirty-nine thousand four hundred dollars.

Hampshire.—Thirty-six thousand dollars.

Middlesex.—One hundred and sixty thousand dollars.

Norfolk.—Sixty-five thousand dollars.

Plymouth.—Forty thousand dollars.

Worcester.—One hundred and twenty thousand dollars.

Approved March 31, 1871.

RESOLVE IN AID OF THE TEMPORARY ASYLUM FOR DISCHARGED FEMALE PRISONERS AT DEDHAM.

Chap. 26.

Resolved, That there be allowed and paid out of the treasury the sum of two thousand dollars to the Temporary Asylum for Discharged Female Prisoners at Dedham: *provided*, that a like sum shall be realized during the current year by private donations, a sworn certificate of which shall be deposited with the auditor of the Commonwealth before said sum of two thousand dollars shall be paid out of the treasury. The managers of said asylum shall report to the board of state charities an account of its receipts and expenditures for the current year, in accordance with the provisions of chapter two hundred and forty-three of the acts of the year eighteen hundred and sixty-seven.

Allowance of \$2,000, if a like sum is realized during the year from other sources.

Approved April 3, 1871.

RESOLVE ALLOWING TO THE TOWNS OF PITTSFIELD, HANCOCK AND TYRINGHAM, CERTAIN SUMS DUE AS CORPORATION TAXES.

Chap. 27.

Resolved, That there be allowed and paid from the treasury to the town of Pittsfield, one hundred and thirty-two dollars and fifty-one cents; to the town of Hancock the sum of one hundred and seventy-two dollars and seventy-eight cents; and to the town of Tyringham the sum of five hundred and thirty-four dollars and sixty-three cents; the same being due said towns as corporation taxes.

Allowance for corporation taxes.

Approved April 14, 1871.

RESOLVE IN FAVOR OF THE TOWN OF WESTPORT, FOR AID FURNISHED TO AMELIA P. LEWIS.

Chap. 28.

Resolved, That for reasons set forth in the petition of the overseers of the poor of the town of Westport, there be

Allowance of \$46 for state aid.

allowed and paid out of the treasury to said town, the sum of forty-six dollars, for aid furnished to Amelia P. Lewis.

Approved April 14, 1871.

Chap. 29. RESOLVE RELATING TO THE NORMAL SCHOOL BOARDING-HOUSES AT FRAMINGHAM AND BRIDGEWATER.

Board of education released from payment of interest on amounts received for building boarding-houses at Framingham and Bridgewater.

Resolved, That the board of education are hereby released from the payment of interest on the amounts received from the Massachusetts school fund for building and furnishing boarding-houses for the normal schools at Framingham and Bridgewater, under the provisions of chapters seventeen and seventy-eight of the resolves of the year eighteen hundred and sixty-nine and chapter one of the resolves of the year eighteen hundred and seventy, and from paying the insurance thereon, as required by said resolves: *provided*, that the deficit of income occasioned by such release shall be deducted from the moiety of the income of the school fund applicable to educational purposes, in such manner as not to affect the amount to be apportioned and distributed for the support of public schools.

Approved April 19, 1871.

Proviso.

Chap. 30. RESOLVE IN FAVOR OF THE GUARDIAN OF CHESTER B. ROBERTS.

Conveyances made valid.

Resolved, That the conveyances of the lands of Chester B. Roberts, in Lynn, by his guardian, Mary J. Roberts, under licenses from the probate court for the county of Essex, are hereby confirmed and made valid to pass an estate in fee simple in and to the lands therein described.

Approved April 19, 1871.

Chap. 31. RESOLVE IN FAVOR OF JAMES SWEENEY.

Allowance for state aid.

Resolved, That there be allowed and paid out of the treasury the sum of one hundred and eighty-eight dollars to Charles M. Duncan, as guardian of James Sweeney, for state aid.

Approved April 19, 1871.

Chap. 32. RESOLVE DIRECTING THE ADJUTANT-GENERAL TO OBTAIN CERTAIN EVIDENCES OF THE SERVICE OF MASSACHUSETTS MEN DURING THE WAR OF EIGHTEEN HUNDRED AND TWELVE.

Adjutant-general to obtain evidence of service of Massachusetts soldiers in war of 1812.

Resolved, That the adjutant-general is hereby authorized and directed to obtain the original or duly attested copies of the pay-rolls, muster-rolls, and the other evidence of service of Massachusetts men, who served in the army or navy of the United States, during the war of eighteen hundred and twelve, now in the possession of the United States government at Washington.

Approved April 19, 1871.

RESOLVE IN AID OF DUKES COUNTY ACADEMY.

Chap. 33.

Resolved, That there be allowed and paid out of the treasury the sum of five thousand dollars to the trustees of Dukes County Academy, to be expended in aid of said institution.

Allowance of \$5,000.

Approved April 19, 1871.

RESOLVE IN FAVOR OF MATILDA FRENCH.

Chap. 34.

Resolved, That for reasons set forth in the petition of Matilda French, as guardian of Ida M. and Addie E. Eddy, there be allowed such state aid from January first, eighteen hundred and seventy-one, as they would have received had they always resided in this state.

Allowance for state aid.

Approved April 28, 1871.

RESOLVE FOR THE PAYMENT OF CERTAIN SUMS DUE FOR BOOKS FURNISHED TO THE STATE PRISON.

Chap. 35.

Resolved, That there be allowed and paid out of the treasury to the American Baptist Publication Society of Boston, the sum of twenty dollars and fifty-five cents; to Andrew F. Graves the sum of thirty-six dollars and seventy-five cents; to Henry A. Young and Company the sum of two hundred and sixty dollars and eighty-seven cents, for books furnished the state prison in the years eighteen hundred sixty-nine and seventy.

American Baptist Publication Society, A. F. Graves and H. A. Young & Co., payment to authorized, for books furnished the state prison.

Approved April 28, 1871.

RESOLVE RELATING TO THE CLAIMS OF THE COUNTY COMMISSIONERS OF THE COUNTY OF BERKSHIRE FOR EXTRA SERVICES.

Chap. 36.

Resolved, That the claims of the several county commissioners of the county of Berkshire, for extra services rendered and expenses incurred in the erection of the new jail, house of correction and court house, may be presented to the board of examiners for said county; and said board is hereby authorized to hear such claims, and to award in each case such sum as to them may seem to be reasonable; and the certificate of said board, stating the sum awarded in each case, shall be sufficient authority to the treasurer of the said county to pay the same.

Claims to be presented to board of examiners, and upon their award to be paid from county treasury.

Approved April 28, 1871.

RESOLVE IN FAVOR OF HARRIET N. LEE.

Chap. 37.

Resolved, That for reasons set forth in the petition of Harriet N. Lee, she be allowed state aid at the rate of four dollars per month, from and after January first, eighteen hundred and seventy-one.

Allowance for state aid.

Approved April 28, 1871.

RESOLVE IN FAVOR OF JAMES THOMPSON.

Chap. 38.

Resolved, That there be allowed and paid to James Thompson, from and after the first of January, eighteen hundred and seventy-one, the same amount of state aid to

Allowance for state aid.

which he would be entitled if he were in receipt of a pension, at the rate of eight dollars per month.

Approved April 28, 1871.

Chap. 39.

Allowance of
\$6,000.

Directors to re-
port to board of
state charities.

RESOLVE IN FAVOR OF THE WASHINGTONIAN HOME.

Resolved, That there be allowed and paid out of the treasury, to the treasurer of the Washingtonian Home, to be expended by the directors for the charitable purposes of the institution, in providing a refuge for inebriates, and means for reforming them, the sum of six thousand dollars. The directors shall report to the board of state charities as required by law, a detailed account of the amount contributed by individuals, the total income and expenses of the institution, the number of patients admitted, the average time each remains, the average cost of each per week, the number that pay or contribute towards the expenses of the institution, the amount each pays per week, and the result of their treatment so far as can be ascertained.

Approved April 28, 1871.

Chap. 40.

Allowance of
\$6,000.

Trustees to re-
port to board of
state charities.

RESOLVE IN AID OF THE MASSACHUSETTS CHARITABLE EYE AND EAR INFIRMARY.

Resolved, That there be allowed and paid out of the treasury, the sum of six thousand dollars to the Massachusetts Charitable Eye and Ear Infirmary, to be expended under the direction of the managers thereof, for the charitable purposes of said infirmary during the present year; and the said trustees shall report to the board of state charities, as required by chapter two hundred and forty-three of the acts of the year eighteen hundred and sixty-seven.

Approved April 28, 1871.

Chap. 41.

Allowance of
\$1,574.

RESOLVE IN RELATION TO THE ANTIETAM NATIONAL CEMETERY.

Resolved, That the sum of one thousand five hundred and seventy-four dollars shall be allowed and paid upon the order of the governor, to defray the balance of expenses apportioned to Massachusetts for the purchase of the Antietam National Cemetery and the erection of the contemplated monument therein.

Approved April 28, 1871.

Chap. 42.

Allowance for
state aid.

RESOLVE IN FAVOR OF EDWARD F. CAMPBELL.

Resolved, That for reasons set forth in the petition of Edward F. Campbell of Cambridge state aid be allowed him from the first day of June, in the year eighteen hundred and seventy, to the first day of March, in the year eighteen hundred and seventy-one, amounting to the sum of fifty-four dollars.

Approved May 5, 1871.

RESOLVE IN FAVOR OF LYDIA P. OSBORNE.

Chap. 43.

Resolved, That there be allowed to Lydia P. Osborne and child, state aid from and after January first, in the year eighteen hundred and seventy-one, to the same amount that they would have been entitled to receive if her husband had died while in the service of the United States.

Allowance for state aid.

Approved May 5, 1871.

RESOLVE RELATING TO TECHNICAL INSTRUCTION IN SCHOOLS.

Chap. 44.

Resolved, That the board of education be directed to report to the next general court a feasible plan, if they can devise one, for giving in the common schools of the cities and larger towns of this Commonwealth, additional instruction especially adapted to young persons who are acquiring practical skill in mechanic or technical arts, or are preparing for such pursuits.

Board of education to report a plan for technical instruction in the common schools.

Approved May 5, 1871.

RESOLVE CONCERNING THE CLAIMS OF THE OWNERS OF LANDS ON THE NORTH-EASTERN BOUNDARY OF MAINE.

Chap. 45.

Resolved, That the governor and council are hereby authorized to coöperate with the executive of Maine, in obtaining the payment by the United States of the claim of the private owners of lands on the north-eastern boundary of Maine, ceded to Great Britain by the conventional line established by the treaty of Washington, of the year eighteen hundred and forty-two.

Governor and council to coöperate with Maine in obtaining payment to private owners of lands on north-eastern boundary.

Approved May 5, 1871.

RESOLVE FOR REIMBURSEMENT FOR TAXES PAID BY THE NEW BEDFORD INSTITUTION FOR SAVINGS.

Chap. 46.

Resolved, That for reasons set forth in the petition of the New Bedford Institution for Savings, there be allowed and paid out of the treasury to said institution, the sum of six thousand nine hundred and sixteen dollars and sixteen cents.

Allowance of \$6,916.16.

Approved May 5, 1871.

RESOLVE TO AUTHORIZE THE ST. PAUL'S METHODIST EPISCOPAL SOCIETY OF LYNN TO MORTGAGE ITS CHURCH PROPERTY.

Chap. 47.

Resolved, That the trustees of the St. Paul's Methodist Episcopal Society in Lynn be, and they hereby are authorized and empowered to mortgage, in such way and manner as they shall deem proper, the lot of land with the meeting-house thereon standing on Union street in Lynn, belonging to said society or to trustees for the benefit of said society; for the purpose of raising money to pay debts which have been or shall be contracted by said society in altering, repairing and enlarging their meeting-house, and to pay any

May mortgage church property for payment of debts contracted in altering meeting-house.

other debts which have been or shall be incurred by them ; said mortgage to be for a sum not exceeding five thousand dollars ; and the same shall be a good and valid conveyance in mortgage of said estate, discharged from all trusts declared and contained in the deeds under which they hold said lands.

Approved May 6, 1871.

Chap. 48.

Adjutant-general under direction of the governor, may sell Captain's Island.

RESOLVE TO AUTHORIZE THE SALE OF CAPTAIN'S ISLAND.

Resolved, That the adjutant-general, under the direction of the governor, is hereby authorized to sell the lot of land in Cambridge, belonging to the state, known as Captain's Island.

Approved May 9, 1871.

Chap. 49.

Union Society of Millbury may sell meeting-house.

RESOLVE TO AUTHORIZE THE SALE OF A MEETING-HOUSE IN MILLBURY.

Resolved, That Simeon S. Waters, E. W. Goffe and Nymphas Longley of Millbury, are hereby authorized and empowered, in behalf of the association now or formerly known as the Union Society of Millbury, to sell and make a deed of conveyance of the tract of land with the meeting-house standing thereon, situated in Millbury, being the premises formerly occupied by the said Union Society and conveyed to Mark Lathrop and others by deed of Jonathan Trask, dated September twenty-second, eighteen hundred and thirty-eight, and recorded in Worcester register of deeds, book three hundred and thirty-nine, page thirty-one ; and such deed of conveyance shall be valid and effectual to convey all the premises conveyed by the said deed of Trask to Lathrop and others, subject to all the reservations and conditions therein. And that said Waters, Goffe and Longley are also authorized to take the money paid by the purchaser of the premises aforesaid, and distribute the same among persons entitled thereto.

Approved May 11, 1871.

Chap. 50.

Towns of Ayer and Maynard to be supplied with reports, documents, weights, measures, &c.

RESOLVES TO PROVIDE THE TOWNS OF AYER AND MAYNARD WITH THE LAW REPORTS, AND GENERAL AND SPECIAL LAWS, AND STANDARD WEIGHTS AND MEASURES.

Resolved, That the secretary of the Commonwealth be, and he is hereby authorized and directed to furnish to the town of Ayer and to the town of Maynard a full set of the reports of the decisions of the supreme judicial court ; one copy of the General Statutes ; also copies of such general and special laws of the Commonwealth, and of all such books and documents in his office, as may heretofore have been furnished by the Commonwealth to towns. And the secretary is authorized to purchase such of the reports and statutes aforesaid as may be necessary to carry into effect this resolve.

Resolved, That the treasurer be, and he is hereby authorized and directed, to furnish each of said towns with a complete set of standard weights, measures and balances, such as each town is by law required to keep for the use of its inhabitants: *provided*, that the clerks of said towns shall first make the certificate required by section two of chapter two hundred and sixty-five of the acts of the year one thousand eight hundred and fifty-nine.

Approved May 11, 1871.

RESOLVE TO PROVIDE OFFICE ROOM FOR THE BOARD OF HARBOR COMMISSIONERS.

Chap. 51.

Resolved, That there be allowed and paid out of the treasury the sum of twenty-five hundred dollars to procure, in the city of Boston, room, furniture and other office accommodation for the board of harbor commissioners.

Allowance of \$2,500 for office room for harbor commissioners.

Approved May 12, 1871.

RESOLVE RELATING TO THE NORMAL SCHOOL-HOUSE AT BRIDGEWATER.

Chap. 52.

Resolved, That a sum not exceeding fifteen thousand dollars be advanced from the treasury, in anticipation of the moiety of the income of the school fund applicable to educational purposes, to be expended under the direction of the board of education, in the enlargement and reconstruction of the normal school-house at Bridgewater, and in procuring suitable furniture for the same. The money so advanced shall be repaid to the treasury out of said moiety of the future income of the school fund in three equal annual instalments, beginning with the present year.

Allowance of \$15,000 for enlargement of normal school-house at Bridgewater.

Approved May 12, 1871.

RESOLVE IN FAVOR OF NATHANIEL AGLAR.

Chap. 53.

Resolved, That for reasons set forth in the petition of Nathaniel Aglar, there be allowed and paid him the same amount of state aid since January first, in the year eighteen hundred and seventy-one, that he would have been entitled to if he had been accredited to the quota of Massachusetts.

Allowance for state aid.

Approved May 12, 1871.

RESOLVE GRANTING AID TO THE TOWN OF GAY HEAD FOR THE SUPPORT OF ITS PUBLIC SCHOOLS.

Chap. 54.

Resolved, That there be allowed and paid out of the income of the school fund the sum of fifty dollars to the town of Gay Head, for the support of the public schools of said town; the same being additional to the amount to which the town is entitled under the act concerning the distribution of the income of the school fund, to be paid from the moiety of the income of the school fund applicable to educational purposes.

Allowance of \$50 to Gay Head for public schools.

Approved May 12, 1871.

Chap. 55.

Secretary may purchase maps of the counties of Worcester, Essex and Middlesex.

RESOLVE IN RELATION TO CERTAIN COUNTY MAPS.

Resolved, That the secretary of the Commonwealth be authorized to purchase copies of corrected new maps of the counties of Worcester, Essex and Middlesex, to replace the worn and dilapidated copies of maps of said counties now on file in the archives of the Commonwealth: *provided*, the expense thereof does not exceed the sum of four hundred and fifty dollars.

Approved May 15, 1871.

Chap. 56.

Additional clerical assistance.

RESOLVE AUTHORIZING THE GOVERNOR TO EMPLOY ADDITIONAL CLERICAL ASSISTANCE.

Resolved, That his excellency the governor be authorized to employ such clerical assistance as he may deem necessary, in copying the correspondence of the executive department growing out of the exigences of the late war.

Approved May 17, 1871.

Chap. 57.

Trustees of Maple Street Methodist Episcopal Society in Lynn may mortgage meeting-house.

RESOLVE TO AUTHORIZE THE TRUSTEES OF MAPLE STREET METHODIST EPISCOPAL SOCIETY IN LYNN, TO MORTGAGE THEIR MEETING-HOUSE.

Resolved, That the trustees of the Maple Street Methodist Episcopal Society in Lynn, be, and they hereby are, authorized and empowered to mortgage, in such way and manner as they shall deem proper, the lot of land in said Lynn, conveyed to them by deed of Benjamin Richardson, with the meeting-house thereon, and belonging to said trustees to be held for the benefit of said society, for the purpose of raising by loan the sum of five thousand dollars for the purpose of paying for building the meeting-house now partly erected on said land, or for other necessary expenses incurred by them; said mortgage to be for a sum not exceeding five thousand dollars; and the same shall be a good and valid conveyance in mortgage of said estate, discharged from all trusts declared and contained in the deed under which they hold said lands.

Approved May 17, 1871.

Chap. 58.

Deeds confirmed and made valid.

RESOLVE TO CONFIRM AND MAKE VALID CERTAIN DEEDS MADE BY THE GUARDIANS OF THE MINOR CHILDREN OF JOEL WHITE, DECEASED.

Resolved, For the reasons set forth in the petition of Warren Johnson and others, that the deeds made by the guardians of the minor children of Joel White, late of Winchester, in the county of Middlesex, deceased, under license granted by the probate court for said county the twenty-third day of August, in the year one thousand eight hundred and sixty-four, be and the same are hereby confirmed and made valid, unless the parties adversely interested, if any, shall, within three months from the passage hereof,

commence a suit or suits in the superior court for said county to recover possession of the premises. *Approved May 17, 1871.*

RESOLVE IN FAVOR OF THE MUSEUM OF COMPARATIVE ZOOLOGY.

Resolved, That there be allowed and paid from the treasury, to the Museum of Comparative Zoölogy, the sum of fifty thousand dollars, to be expended under the direction of the trustees of said institution for the purposes thereof.

Approved May 22, 1871.

Chap. 59.

Allowance of
\$50,000.

RESOLVE IN FAVOR OF WILLIAM S. SHURTLEFF.

Resolved, That there be allowed and paid from the treasury to William S. Shurtleff, the sum of seventy-five dollars, for services as acting judge of the probate court for the county of Franklin.

Approved May 23, 1871.

Chap. 60.

Allowance of
\$75.

RESOLVE IN FAVOR OF MARY J. LANDERS.

Resolved, That there be allowed and paid from the treasury, to Mary J. Landers the same amount of state aid from and after the first of January, in the year eighteen hundred and seventy-one, as she would have been entitled to receive had she resided in this state on the twenty-third day of April, in the year eighteen hundred and sixty-six.

Approved May 23, 1871.

Chap. 61.

Allowance for
state aid.

RESOLVE IN FAVOR OF WILLIAM A. KENRICK.

Resolved, That there be allowed and paid from the treasury to William A. Kenrick, the sum of seven hundred and eighty dollars in full for compensation for damages as contractor on widening the draw of Charles River bridge.

Approved May 23, 1871.

Chap. 62.

Allowance of
\$780.

RESOLVE IN FAVOR OF HENRY J. COOLIDGE.

Resolved, For reasons set forth in the petition of Henry J. Coolidge, that there be allowed and paid to him from the treasury the sum of five hundred dollars, as compensation for services in collecting and arranging two sets of the printed acts and resolves of Massachusetts from the year seventeen hundred and seventy-five; this amount to be paid when the work shall be completed to the satisfaction of the secretary of the Commonwealth.

Approved May 23, 1871.

Chap. 63.

Allowance of
\$500.

RESOLVE IN FAVOR OF WILLIAM WASHBURN AND SON.

Resolved, That there be allowed and paid from the treasury to William Washburn and Son, in addition to the amount previously paid them, the sum of eight thousand dollars, in full compensation for services rendered in the repairs and alterations of the state house.

Approved May 23, 1871.

Chap. 64.

Allowance of
\$8,000.

Chap. 65. RESOLVE TO ESTABLISH AND MAINTAIN A SCHOOL AT HOOSAC TUNNEL.

Allowance of \$300 for support of school at Hoosac Tunnel.

Resolved, That in addition to the sum which the town of Florida may be entitled to receive from the moiety of the income of the school fund which is distributed to the cities and towns, there shall be paid therefrom to said town annually during the continuance of the work of excavating the Hoosac Tunnel, the further sum of three hundred dollars, for the support of a school for the instruction of the children of persons employed on said tunnel; said sum to be expended, for the purpose aforesaid, by the school committee of Florida, who shall, on or before the first of January in each year, make a special report to the secretary of the board of education, which shall embrace the items of expenditure, the number of teachers and of pupils in the school, its condition and character, and the number and length of the terms during which it is maintained.

Approved May 23, 1871.

Chap. 66. RESOLVE CONCERNING STATE PRISONS FOR WOMEN.

Commissioners of prisons to report to next legislature relative to establishing prisons for women.

Resolved, That the subject of establishing state prisons for women be referred to the commissioners of prisons for their report upon the same at the next legislature, and particularly for their report upon the expediency of establishing such prisons, the number thereof required, description or plans therefor, the probable cost of sites, buildings and furniture, and any other matters pertinent to the inquiry.

Approved May 23, 1871.

Chap. 67. RESOLVE TO PROVIDE FOR THE REVISION OF THE LAWS RELATING TO ATTENDANCE UPON PUBLIC SCHOOLS.

Board of education to consider laws relative to attendance upon public schools, and report to next legislature.

Resolved, That the board of education be directed to take into consideration the existing laws relating to attendance upon the public schools, truancy, absenteeism, neglected children and the related topics, and inquire what alterations and amendments are needed in order to combine said laws into a uniform and consistent code, adapted to the present wants of the public, and to report the same, with the reasons therefor, to the next legislature.

Approved May 23, 1871.

Chap. 68. RESOLVE IN FAVOR OF THE TRUSTEES UNDER THE WILL OF WILLIAM WINTHROP.

Trustees under will of William Winthrop authorized to sell real estate.

Resolved, That for reasons set forth in the petition of Robert C. Winthrop and George S. Derby, trustees under the will of William Winthrop, deceased, said Robert C. and George S. are hereby authorized, with the consent of the judge of probate for the county of Suffolk, to sell and con-

vey in fee simple the real estate of which said William Winthrop died seized, situated on Lane place and on a passageway leading from Purchase street, in the city of Boston, being the same premises conveyed to said William Winthrop by William Minot and others by deed recorded in Suffolk registry of deeds, book eight hundred and thirty-two, page one hundred and eighty-four, and that the written assent of said judge of probate to the execution of any deed by said trustees under this resolve shall be conclusive in behalf of the purchaser, of the authority of said trustees to execute said deed; and the proceeds of such sale shall be reinvested in real estate or mortgage on real estate, and held by said trustees or their successors according to law and the will of said William Winthrop.

Approved May 23, 1871.

Proceeds to be invested in real estate or mortgage on real estate.

RESOLVE IN RELATION TO THE TRAFFIC ACROSS CHARLES RIVER AND FORT POINT CHANNEL.

Chap. 69.

Resolved, That the board of harbor commissioners consider what relief can be provided for the traffic across Charles river and Fort Point channel, by a system of improved bridges, the use of steam in moving vessels and draws, or by any other means, and report to the next general court with plans and estimates.

Approved May 23, 1871.

Travel across Charles River and Fort Point Channel.

RESOLVE IN FAVOR OF ADELINE V. STEVENS.

Chap. 70.

Resolved, For reasons set forth in the petition of James M. Day, guardian of Adeline V. Stevens, that there be allowed and paid said guardian one hundred and ninety-two dollars, for state aid.

Approved May 23, 1871.

Allowance of \$192 for state aid.

RESOLVE ON THE PETITION OF JOHN A. LOWELL AND OTHERS, FOR CONFIRMATION OF A DEED AND TITLE UNDER IT.

Chap. 71.

Resolved, That the conveyance dated April second, in the year eighteen hundred and sixty-six, and recorded in the registry of deeds for the county of Suffolk, in book eight hundred and seventy-four, page two hundred and ninety-nine, made by John A. Lowell, trustee under the last will and testament of Francis Amory, late of Milton, deceased, to Charles G. Loring, of the real estate situate in Boston, in the county of Suffolk aforesaid, in said conveyance described, be, and the same is hereby fully ratified, confirmed and established and made valid, sufficient and effectual in all respects, so that all persons holding the said real estate under said deed, may and shall hold the same free and discharged from the trusts of said will.

Deed confirmed and made valid.

And that the said John A. Lowell, in his capacity as trustee under said will, be, and hereby is, authorized, in consid-

Trustee authorized to convey real estate.

eration of the money heretofore paid to him by said Charles G. Loring as the consideration of the said conveyance hereby confirmed as aforesaid, to convey the said real estate to those holding under said conveyance to said Charles G. Loring, free from all trusts under the said will of said Francis Amory, and to execute and deliver all necessary deeds for that purpose.

Approved May 23, 1871.

Chap. 72. RESOLVE IN RELATION TO THE COMPENSATION OF THE LIEUTENANT-GOVERNOR AND COUNCIL.

Compensation of lieutenant-governor and council.

Resolved, That there be allowed and paid out of the treasury, for attendance at the regular session held during the annual session of the legislature: to the lieutenant-governor the sum of fifteen hundred dollars, and to each councillor seven hundred and fifty dollars; and for each day's attendance at subsequent sessions, to the lieutenant-governor the sum of ten dollars, and to each councillor the sum of five dollars, for the present year.

Approved May 25, 1871.

Chap. 73. RESOLVE IN FAVOR OF THE DISABLED SOLDIERS' EMPLOYMENT BUREAU.

Allowance of \$3,000.

Resolved, That there be allowed and paid out of the treasury the sum of three thousand dollars to the Disabled Soldiers' Employment Bureau.

Approved May 25, 1871.

Chap. 74. RESOLVE FOR SUPPLYING BREECH-LOADING ARMS TO THE VOLUNTEER MILITIA.

Allowance of \$50,000 for breech-loaders.

Resolved, That there be allowed and paid out of the treasury a sum not exceeding fifty thousand dollars for the purchase of breech-loading arms for the use of the infantry of the volunteer militia; the said sum to be expended as provided in the sixty-fifth section of the two hundred and nineteenth chapter of the acts of the year eighteen hundred and sixty-six.

Approved May 25, 1871.

Chap. 75. RESOLVE PROVIDING FOR REPAIRS AND IMPROVEMENTS IN AND AROUND THE STATE HOUSE.

Allowance of \$5,000 for improvements at state house.

Resolved, That there be allowed and paid out of the treasury the sum of five thousand dollars, for repairs and improvements in and around the state house, to be expended under the direction of the commissioners on repairs of the state house, mentioned in section sixty-two of chapter fourteen of the General Statutes; and said commissioners are hereby directed to provide a suitable room as the office of the clerk of the house of representatives.

Approved May 25, 1871.

RESOLVE IN FAVOR OF BARNARD C. MARCHANT, GUARDIAN.

Chap. 76.

Resolved, That there be allowed and paid to Barnard C. Marchant, late guardian of the Chappequiddic and Christiantown Indians, the sum of thirty-seven dollars and sixty-four cents, in full for all claims as guardian aforesaid.

Allowance of \$37.64.

Approved May 25, 1871.

RESOLVE TO PROVIDE FOR THE ERECTION OF A BUILDING FOR THE HARMLESS AND INCURABLE INSANE AT THE STATE ALMSHOUSE AT TEWKSBURY.

Chap. 77.

Resolved, That there be allowed and paid out of the treasury, for the purpose of erecting, furnishing and heating an addition to the building now used at the state almshouse at Tewksbury, for the reception of the harmless and incurable insane, of sufficient capacity to accommodate not less than one hundred and fifty inmates, a sum not exceeding twenty-five thousand dollars; and that the board of inspectors and the superintendent of said almshouse constitute a commission to carry the same into effect; said appropriation to be payable upon properly approved vouchers filed with the auditor: *provided*, that the plans of construction and the estimates of cost shall be subject to the approval of the governor and council.

Allowance of \$25,000 for addition to building at Tewksbury Almshouse for use of harmless and incurable insane persons.

Approved May 25, 1871.

RESOLVE IN FAVOR OF THE WORCESTER MANUFACTURERS' MUTUAL INSURANCE COMPANY.

Chap. 78.

Resolved, That there be allowed and paid from the treasury to the Worcester Manufacturers' Mutual Insurance Company the sum of three hundred and twenty-four dollars and thirty-two cents, it being a reimbursement of state tax overpaid.

Allowance of \$324, reimbursement of state tax overpaid.

Approved May 26, 1871.

RESOLVES ESTABLISHING A NORMAL SCHOOL IN WORCESTER.

Chap. 79.

Resolved, That the board of education are hereby authorized and required to establish a state normal school in the city of Worcester, and that the sum of sixty thousand dollars is hereby appropriated to defray the expenses of erecting a suitable building and furnishing the necessary appurtenances and apparatus for said school, and that the same be expended under the direction of the board of education, upon whose requisition the governor is hereby authorized to draw his warrant for the amount aforesaid to be paid from the school fund: *provided*, that the deficit of income of the school fund occasioned by such payment, shall be deducted from the moiety of the income of said fund applicable to educational purposes, in such manner as not to affect the amount to be apportioned and distributed for the support of public schools.

Allowance of \$60,000 for a state normal school in Worcester.

Proviso.

Trustees of
Worcester
Lunatic Hos-
pital to convey
land to board
of education.

Resolved, That the trustees of the Worcester Lunatic Hospital are hereby authorized and required to convey to the board of education and its successors, in trust for the Commonwealth, a tract of land situated in said city of Worcester of not more than five acres, to be located by the governor and council, east of a line drawn one hundred and seventy feet east of the easterly line of Mulberry street, and north of a line drawn five hundred feet south of the southerly line of Prospect street when extended east as proposed; and west of the westerly line of Wilmot street when extended southerly as proposed; the conveyance of said land to include a right of way thereto from East Central street, the location whereof shall be determined and fixed by the governor and council, if in their opinion said right of way is necessary and desirable.

Worcester may
lay out and ex-
tend certain
streets.

Resolved, That the city of Worcester is hereby authorized to lay out and extend Prospect street, from its present easterly terminus to its intersection with the proposed line of the prolongation of Wilmot street; also to extend Wilmot street southerly to the proposed intersection with the extension of Prospect street, and from that point southerly to East Central street.

Value of land
to be deter-
mined by gov-
ernor and coun-
cil.

Resolved, That the value of said land shall be determined and fixed by the governor and council, and the amount shall be credited by the treasurer of the Commonwealth to the fund created by the provisions of section four, chapter two hundred and thirty-eight of the acts of the year eighteen hundred and seventy.

Worcester may
raise \$15,000 by
taxation.

Resolved, That the city council of the city of Worcester may raise by taxation or otherwise, the sum of fifteen thousand dollars, and may pay the same to the board of education for the purposes named in these resolves: *provided*, that these resolves shall not take effect until the city of Worcester or the inhabitants thereof shall have paid to the board of education the sum of fifteen thousand dollars to aid in the erection and furnishing of the building for said school.

Approved May 26, 1871.

Chap. 80. RESOLVE CONCERNING THE BONDS OF THE BOSTON, HARTFORD AND ERIE RAILROAD COMPANY, HELD BY THE COMMONWEALTH.

Governor and
council author-
ized to obtain
absolute owner-
ship of the Ber-
dell bonds of
the Boston,
Hartford and
Erie Railroad.

Resolved, That the governor and council be, and they hereby are authorized in their discretion, if any emergency shall in their opinion exist therefor, to take any and all necessary measures to obtain for the Commonwealth the absolute ownership of the bonds of the Boston, Hartford and Erie Railroad Company, known as the Berdell mortgage

bonds, now held by the Commonwealth as collateral security ; and they may sell and transfer the whole or any part of said bonds, on such terms and conditions as they may deem to be for the best interest of the Commonwealth ; or they may sell said bonds, or any part thereof, under the provisions of section seven of chapter two hundred and eighty-four of the acts of the year eighteen hundred and sixty-seven. In the event of the absolute foreclosure of the Berdell mortgage, so called, or in any proceedings taken for such foreclosure, the governor and council, by their duly appointed agents or attorneys, may represent the interests of the Commonwealth at any meeting of the bondholders, and may, in their discretion, surrender said bonds for stock as provided in said mortgage, or take any other action in the premises which they deem that the interests of the Commonwealth may require.

Approved May 26, 1871.

RESOLVE RELATING TO THE HUTCHINSON PAPERS.

Chap. 81.

Resolved, That the attorney-general be authorized to adjust the controversy between the Commonwealth and the Massachusetts Historical Society on these terms, namely : that the society surrender to the Commonwealth all the documents called the Hutchinson papers received by the society from Secretary Bradford ; the same to be identified by an arbitrator mutually selected, in case they cannot be otherwise agreed upon.

Mass. Historical Society to surrender the Hutchinson papers to the state.

Approved May 26, 1871.

RESOLVE IN RELATION TO HALF-TIME SCHOOLS.

Chap. 82.

Resolved, That the bureau of statistics of labor be directed to prepare and present to the next legislature, a plan for a system of half-time, ungraded schools for children between ten and fifteen years of age employed in manufacturing and other establishments in the state, who attend school only a part of the day.

Half time schools for children employed in manufacturing establishments.

Approved May 26, 1871.

RESOLVE IN FAVOR OF GEORGE RICE.

Chap. 83.

Resolved, That there be allowed and paid from the treasury to George Rice, the sum of fifteen hundred dollars for compensation for destruction of water power at the west end of Hoosac tunnel.

Allowance of \$1,500.

Approved May 26, 1871.

RESOLVE IN FAVOR OF HANNAH M. NEEDHAM.

Chap. 84.

Resolved, That there be allowed and paid out of the treasury to the city of Lawrence, the sum of one hundred and seventy-two dollars, being the amount paid by said city to Hannah M. Needham, widow of Sumner H. Needham, as state aid on account of her child Sumner H. Needham ; and

Allowance for state aid.

that from and after the first day of January, eighteen hundred and seventy-one, said Hannah M. Needham shall be taken and deemed to be entitled to receive the same amount of state aid to which she would be entitled had her child been born prior to her said husband's death and her said husband had been duly mustered into the military service of the United States.

Approved May 26, 1871.

Chap. 85. RESOLVES CONCERNING THE PUBLICATION OF THE LIST OF MASSACHUSETTS OFFICERS AND SOLDIERS IN THE LATE WAR.

Adjutant-general to correct stereotype plates of soldiers' records.

Resolved, That the adjutant-general procure from sources that he deems reliable, evidence of such mistakes and omissions as may exist in the published list of the officers and soldiers in the late war, make a record of the same, and cause the stereotyped plates to be corrected in conformity therewith; the expense to be paid from the unexpended balance of appropriation made under chapter ninety-eight of the resolves of the year eighteen hundred and sixty-six: *provided,* that the whole expense of making the corrections, printing and binding as contemplated in these resolves shall not exceed six thousand dollars.

Twelve hundred copies to be printed and distributed.

Resolved, That the adjutant-general, as soon as may be after the corrections provided for in the foregoing resolve are made, cause to be printed twelve hundred copies of said list, and distribute them as follows: to the governor, lieutenant-governor, and members of the executive council, one copy each; to each free public library, each incorporated library, and each post of the Grand Army of the Republic in the state, one copy each; to each town and city having no free public library, one copy, to be kept at the office of the clerk of said city or town; to each member of the present legislature, two copies; and to the chaplain, clerks, and assistant-clerks of the two branches, the sergeant-at-arms, secretary of the Commonwealth, treasurer and auditor, one copy each; to each reporter in regular attendance, each door-keeper, messenger, and other officer of the legislature, one copy; the remaining copies to be at the disposal of the adjutant-general.

Approved May 26, 1871.

Chap. 86. RESOLVE IN RELATION TO THE UNEXPENDED PROCEEDS OF THE SCRIP ISSUED IN AID OF THE BOSTON, HARTFORD AND ERIE RAILROAD COMPANY.

Governor authorized to receive from Baring Brothers & Co. residue of proceeds of scrip issued to aid

Resolved, That the governor is hereby authorized to receive for the Commonwealth, from Baring Brothers and Company, of London, the residue now remaining in their hands, of the proceeds of the scrip or certificates of indebtedness heretofore issued by the treasurer of the Common-

wealth for the purpose of aiding the Boston, Hartford and Erie Railroad Company in the construction of its railroad, and to agree on behalf of the Commonwealth to repay the same to the said Baring Brothers and Company, if they shall hereafter be required at law or in equity by final judgment or decree to pay the same to any other claimants of the said funds; and that the governor, with the advice and consent of the council, is hereby authorized to make such compromise and settlement with any claimants of the said funds as he may deem to be advantageous to the Commonwealth, and in pursuance of such compromise and settlement to pay over to such claimants any part of the said funds, upon receiving satisfactory security that the Commonwealth shall be indemnified against loss by reason thereof.

Boston, Hartford and Erie Railroad.

Approved May 26, 1871.

RESOLVE FOR THE COMPENSATION OF THE CHAPLAINS, DOORKEEPERS, MESSENGERS AND PAGES, AND FOR THE PREACHER OF THE ELECTION SERMON.

Chap. 87.

Resolved, That there be allowed and paid out of the treasury, to the chaplains of the two branches, four hundred dollars each for the session, to the preacher of the election sermon one hundred dollars, to each of the doorkeepers, assistant-doorkeepers and messengers of the senate and house of representatives, five dollars per day, and to each of the pages of the two branches, four dollars, for each day's service during the present session, and to the doorkeepers and assistant-doorkeepers of the senate and house of representatives, and to the postmaster, one hundred dollars each in addition.

Compensation of chaplains, messengers, &c.

Approved May 26, 1871.

RESOLVE PROVIDING FOR THE DISTRIBUTION OF CERTAIN SPECIAL LAWS.

Chap. 88.

Resolved, That the secretary of the Commonwealth be authorized to distribute in his discretion, upon application, volumes eleven and twelve of the special laws of the Commonwealth.

Distribution of special laws.

Approved May 26, 1871.

RESOLVES IN RELATION TO THE MASSACHUSETTS AGRICULTURAL COLLEGE.

Chap. 89.

Resolved, That the sum of fifty thousand dollars be allowed and paid out of the treasury to the Massachusetts Agricultural College, to be expended by the trustees for the payment of all existing debts of the college and all current expenses of the year not otherwise provided for, and the residue to be applied towards the erection of necessary buildings.

Allowance of \$50,000 for payment of debts and current expenses.

Increase of perpetual fund to \$350,000.

Resolved, That there be paid from the treasury into the perpetual fund created by virtue of the provisions of chapter one hundred and sixty-six of the acts of the year one thousand eight hundred and sixty-three, and entitled "The fund for the promotion of education in agriculture and the mechanic arts," a sum sufficient to increase said fund so that it shall amount in the whole to three hundred and fifty thousand dollars, the income whereof shall be paid as provided by existing laws.

Approved May 26, 1871.

Chap. 90. RESOLVE CONCERNING CERTAIN BERDELL BONDS HELD BY THE COMMONWEALTH.

Governor and council to arrange with holders of the bonds secured by Berdell mortgage so that trustees may obtain possession of road.

Resolved, That the governor and council be and they are hereby authorized to make such arrangements as they may deem suitable and proper with the holders of the bonds of the Boston, Hartford and Erie Railroad Company secured by the Berdell mortgage, so called, or with any number of said bondholders, as may be necessary to enable the trustees under said mortgage to obtain immediate possession and control of the property named in said mortgage, and for this purpose any balance of the money appropriated during the present session under the resolve in relation to the Boston, Hartford and Erie Railroad Company and not required for the purposes specified therein, together with such further sum as shall make in the whole a sum not exceeding seventy-two thousand dollars is hereby appropriated, payable from the treasury, and the governor is authorized to draw his warrant for such part of said sum as may be necessary, payable to said trustees: *provided*, that before any such payment is made, an additional sum sufficient, in the opinion of the governor and council, to secure the purposes of this resolve, shall have been raised by contributions of other bondholders or otherwise, and shall have been paid to said trustees; and *provided, also*, that before any such payment is made, it shall be the duty of the governor and council to obtain as far as practicable, security for the repayment with interest of any sums advanced or contributed under this resolve.

Appropriation of \$72,000.

Provisos.

Approved May 26, 1871.

Chap. 91. RESOLVE CONCERNING THE COMMONWEALTH FLATS NEAR SOUTH BOSTON.

Harbor commissioners to prepare a plan for development, &c., of the South Boston state flats, and report to next legislature.

Resolved, That the harbor commissioners, after consultation with the governor, the Boston and Albany Railroad Company and the Boston Wharf Company, prepare a plan for the development and improvement of the flats of the Commonwealth, near South Boston, in which development and improvement the Commonwealth and said companies may

coöperate; and in connection therewith said commissioners consider the expediency of authorizing or requiring a temporary bulkhead to be built instead of a sea-wall on or near the exterior line (so called), and also the expediency of filling South bay and Fort Point channel; together with such other matters connected with the improvement of said flats as may be important to the interests of the Commonwealth; and said commissioners shall report in print to the next legislature on or before the fifteenth day of January next.

Approved May 26, 1871.

RESOLVE DIRECTING THE BOARD OF RAILROAD COMMISSIONERS TO REPORT TO THE NEXT GENERAL COURT INFORMATION AS TO CERTAIN RAILROADS.

Chap. 92.

Resolved, That the railroad commissioners are hereby directed to prepare and report to the next legislature a classified list of the various articles of merchandise transported upon railroads, accompanied by a table of classified distances, and specifying the rate per ton per mile, excluding all terminal charges, which it would be in their judgment equitable and fair for the several railroads to charge for the transportation of each class of merchandise over each class of distances; also a list of the various railroad crossings, junctions and intersections within the Commonwealth, specifying how each is used, whether for passengers or freight, one or both, by the transfer of cars, or whether without the transfer of cars, or if not used at all; also the rates charged for transportation of passengers and merchandise between specified points by using said junction, and the rates charged between said points by other routes; also the reasons why such junctions, if any, are not used; also a tabular statement of the several railroads purchased, leased and now operated by other railroads, naming the said railroads; also a tabular statement of the rates charged for transportation of each class of merchandise and for passengers upon the said purchased, leased or operated roads, and the rates charged upon the several railroads using and controlling said purchased, leased or operated railroads; also the names of the railroads now controlling and operating one or more other railroads which if used jointly or by themselves form a line competing to any extent with the railroad now operating them; accompanied by a tabular statement of the rates charged upon each line for the transportation per mile of each class of merchandise, and of passengers; also a list of railroads, if any, which, since such purchase, lease or other contract for operating by other railroads now controlling them, have been in any man-

Railroad commissioners directed to furnish information concerning railroads to the next legislature.

ner diverted from the business for which they were constructed, and are now used only as feeders to the roads controlling them; also to ascertain and report whether said controlling and operating railroads afford upon said controlled and operated railroads the same facilities for the prompt and careful transportation of merchandise and passengers which they do upon their own railroads.

Approved May 26, 1871.

- Chap. 93.** RESOLVE FIXING THE COMPENSATION OF THE ASSISTANT-CLERK OF THE SENATE AND FOR ADDITIONAL CLERICAL ASSISTANCE TO THE CLERK OF THE HOUSE.

Compensation
of assistant-
clerk of senate.

Resolved, That there be allowed and paid out of the treasury to Hilton F. Hosmer, assistant-clerk of the senate, eight hundred dollars; and to the clerk of the house of representatives, for additional clerical assistance for the present session, the sum of seven hundred and fifty dollars.

Approved May 26, 1871.

- Chap. 94.** RESOLVE TO PROVIDE FOR CONTINGENT EXPENSES OF THE COMMITTEES OF THE SENATE.

Allowance of
\$300 for ex-
penses of com-
mittees of the
senate.

Resolved, That there be allowed and paid out of the treasury the sum of three hundred dollars for the contingent expenses of the committees of the senate, the same to be paid out on the order of the senate, and the same is hereby appropriated.


Approved May 31, 1871.

- Chap. 95.** RESOLVE IN RELATION TO THE COMPENSATION OF THE SERGEANT-AT-ARMS, AND THE CLERKS OF THE SENATE AND HOUSE AND THE PRIVATE SECRETARY OF THE GOVERNOR.

Additional com-
pensation for
sergeant-at-
arms, clerks,
&c.

Resolved, That there be allowed and paid to the sergeant-at-arms, to the clerk of the senate and the clerk of the house of representatives and the private secretary of the governor, the sum of five hundred dollars each for services for the present year, in addition to the sum heretofore appropriated, and the same is hereby appropriated.

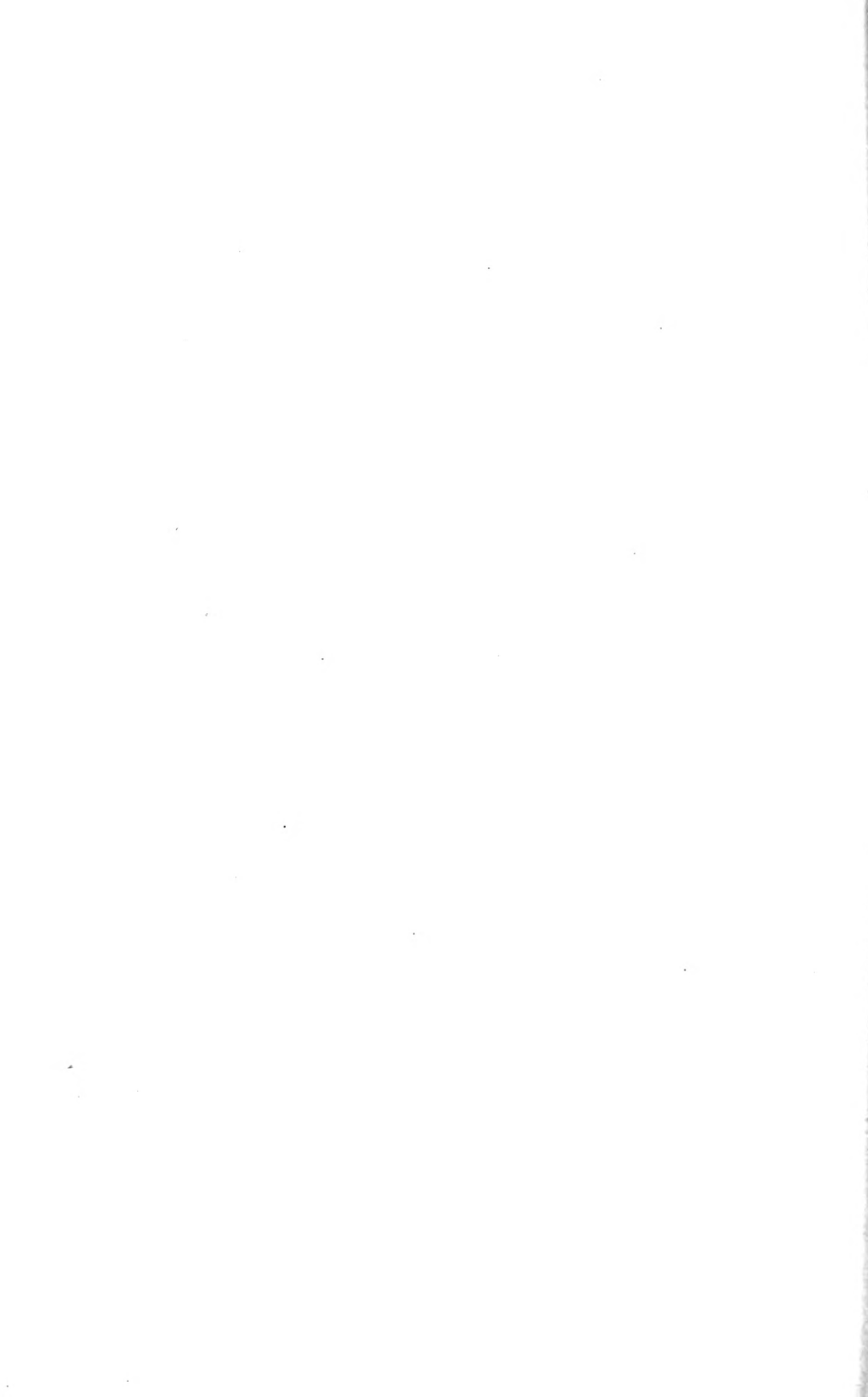
Approved May 31, 1871.

 THE General Court of 1871, during its annual session, passed three hundred and ninety-nine Acts and ninety-five Resolves, which received the approval of the governor.

The Acts may be classified as follows: General Statutes, or Acts of a public character, ONE HUNDRED AND EIGHTY-NINE; Special Acts, relating to private property, persons and corporate bodies, TWO HUNDRED AND TEN.

In addition to these, two Acts, entitled respectively, "An Act to authorize William H. Swift and Lemuel M. Brock to construct a wharf in Nahant," and "An Act in relation to alien passengers arriving in regular lines of communication," were laid before the governor for his approval, and were returned by him to the Senate—in which body they originated—with his objections thereto; and being put upon their final passage, in the manner provided by the Constitution, two-thirds of the members present and voting thereon having failed to "agree to pass the same," they were declared lost, and thereby without force and effect. The Legislature was prorogued on Wednesday, May 31, the session having occupied one hundred and forty-eight days.

The Resolve providing for an Amendment to the Constitution of the Commonwealth, in relation to the qualifications of voters, passed concurrently by the two branches of the Legislature of 1870, and published as required by statute, in the volume of laws of that year, was transmitted to the General Court of 1871, but failed to be agreed to by a majority of the senators present and voting thereon, and therefore became of no force or effect.



INAUGURAL ADDRESS

OF

HIS EXCELLENCY WILLIAM CLAFLIN.

At twelve o'clock on Saturday, the seventh day of January, His Excellency the Governor, accompanied by His Honor the Lieutenant-Governor, the members of the Executive Council, and officers of the civil and military departments of the government, attended by a joint committee of the two Houses, met the Senate and House of Representatives, in Convention, and delivered the following

ADDRESS.

*Gentlemen of the Senate and
of the House of Representatives :*

The people, in accordance with the Constitution and laws, have confided to your care the great interests of this honored Commonwealth for the coming year, so far as they are to be affected by legislative action. A gracious Providence has brought us together at a time when our State is signally favored in all those things which tend to elevate a people, and we should be ungrateful indeed, did we fail, on our assembling, to thank Him whose care has been so constant in the past, and to ask His continued blessing upon ourselves and the people we represent, in the future.

Two hundred and fifty years ago our fathers came to these shores to enjoy the rights of conscience in freedom. They laid the foundations of the State on immutable principles.

No selfish aims were suffered to influence their action, but, in faith of a glorious future for their descendants, they toiled and suffered to establish firmly in organic laws, liberty, morality and religion as the true bases of an enlightened and prosperous Commonwealth.

How wisely they judged as to what would in the end secure to a people the greatest degree of comfort and happiness, may be seen in the material wealth which is gathered in our populous cities and thriving villages, in the public improvements which are conspicuous on every side, in the noble system of popular education established by law and supported by taxation, in the institutions for higher intellectual improvement, which are fostered by the public spirit and sustained by the beneficence of the people, and, above all, in that broad Christian charity which seeks to alleviate every form of suffering to which humanity is liable, whether from fault or misfortune.

I call your attention, first, to our

FINANCES.

The policy of finance adopted by the Legislature and faithfully adhered to by those charged with its administration, has produced economy in expenditure and fully sustained the credit of the State at home and abroad. The general prosperity of the Commonwealth renders certain the accumulation of her established sinking funds, which now amounts yearly to more than a million of dollars. The assurance of present and future ability for the prompt liquidation of the principal of all existing liabilities, without recourse to taxation, is very gratifying.

The Funded Debt,

For the purpose of convenient reference, may be thus classified:—

Loans to railroad corporations,	\$9,483,920 00
War loans,	16,573,244 00
Ordinary loans,	1,071,000 00
Total,	\$27,128,164 00

The Unfunded Debt.

Temporary loans,	\$582,728 16
Balance due Baring Bros. & Co.,	356,989 77
Certificates of indebtedness issued to W. & F. Shanly,	200,000 00
Deposit loan,	3,000 00
Total,	\$1,142,717 93
Making the total Funded and Unfunded debt,	\$28,270,881 93

The Sinking Funds for the redemption of this debt now amount to more than \$15,000,000.

During the past year the Funded debt has been increased by the issue of a new loan for harbor improvements of \$230,000, and, early in the year, by the issue of scrip to the Boston, Hartford & Erie Railroad Company of \$206,184, and reduced by payment of the Western Railroad loan of \$2,381,280, the Eastern Railroad of \$75,000, the Consolidation of the Statutes loan of \$150,000, and the loan of 1861 of \$99,000.

Showing a decrease in the Funded debt of .	\$2,269,096 00
Adding thereto decrease in Unfunded debt,	283,402 09

Total net decrease,	\$2,552,498 09
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Another reduction of the Funded debt will be made the present year, by the payment of the Western Railroad loan, amounting to \$761,816; balance of the Eastern Railroad loan, amounting to \$50,000; and of \$200,000 of the Union Fund (War) loan,—in all, \$1,011,816. Full provision for these payments has already been made.

. Productive Resources.

The resources of the Commonwealth directly applicable, under existing laws, to the redemption of her debt, are ample for that purpose. I append hereto a statement of their par and market values, as follows:—

	Par value.
Debt extinguishment fund,	\$605,400 00
Union loan sinking fund,	3,600,000 00
Bounty loan sinking fund,	2,488,259 21
Massachusetts war loan sinking fund,	1,835,803 66
Coast defence loan sinking fund,	425,690 79
Almshouse loan sinking fund,	164,514 44
Back Bay lands fund,	220,000 00
Troy & Greenfield R. R. loan sinking fund,	655,640 81
Boston, Hartford and Erie R. R. loan sinking fund,	659,196 38
Western R. R. loan sinking fund,	761,816 00
Norwich and Worcester Railroad loan sinking fund,	286,546 15
Total,	<hr/> \$11,702,867 44

	Market value.
Present market value,	\$12,565,642 00
To this should be added unsold Back Bay lands,	1,500,000 00
Land sold Boston and Albany Railroad Company,	435,000 00
Unsettled claims against the United States, estimated at	300,000 00
Proceeds of land sales pledged for the redemption of the harbor improvement loan,	230,000 00
Total present value,	<u>\$15,030,642 00</u>

Excluding the Western, and Norwich and Worcester Railroad Sinking Funds, which are fully sufficient for the payment of the loans for which they are held, the aggregate accumulation to the remaining funds, at their par value, indicates an increase of nearly one million three hundred thousand dollars during the year 1870. The legitimate income of these funds, even at a much smaller percentage of increase, will, with their principal, relieve the treasury from all embarrassment on account of present State loans, most of which have from sixteen to thirty years to run before maturity.

The loan of \$230,000 is to be reimbursed with interest from the proceeds of sales of land purchased under authority of the Act creating the loan.

No further addition has been made to the funded loan in aid of the Troy and Greenfield Railroad and Hoosac Tunnel. The scrip thus far issued amounts to \$4,673,070, which is due from 1888 to 1894. There is now chargeable to the loan, to be reimbursed to the issue of scrip, \$1,564,279, making the entire sum paid by the Commonwealth for this enterprise \$6,237,359, exclusive of interest accrued in 1870. The sinking fund established for the redemption of the loan amounts to \$655,642, par value; its market value being about \$3,000 more.

The Boston, Hartford and Erie Railroad Loan (a five per cent. sterling loan) stands at \$3,599,024, maturing in the year 1900. The sinking fund provided for its redemption now amounts to \$659,219, which, with its legitimate income for thirty years, will doubtless secure the State against further liability on account of the principal. The interest on this loan, now paid from the ordinary revenue, may be reimbursed in part from the proceeds of the "Berdell Mortgage Bonds," if from no other source.

The loan of \$356,989 from the Messrs. Barings, will be eventually merged in the funded loans on whose account its proceeds have been used, and will thereby become chargeable to the sinking funds created for their payment.

The unsold Back Bay lands are estimated in the foregoing statement at their average minimum value (\$1,500,000). It is reasonable to anticipate an increase in this amount.

It will be seen from this statement that, deducting the sinking funds and other resources set apart for the payment of the public debt, the indebtedness of the State amounts to \$13,269,881.93. Within the last eight years more than twelve millions of dollars have been paid for the relief of disabled soldiers and their families and the families of the slain. In addition to this, more than sixteen millions (\$16,000,000) of dollars have been paid in bounties to soldiers since 1861. Surely no one will complain of the burden of the debt when so large a part of it has been contracted for the relief of those patriotic men and their suffering families.

Finance for the Present Year.

The ordinary expenditures for the present year are estimated at	\$4,700,000 00
The ordinary revenue from all sources may be stated at	2,200,000 00
	<hr/>
Showing a deficiency of	\$2,500,000 00

In the above estimate there is no provision for reducing the temporary loans made to pay for work on the Hoosac Tunnel, in anticipation of the sale of scrip, from which the Treasury will be reimbursed.

This statement shows that a tax of two and a half millions of dollars will be necessary, unless the tax on savings banks should be increased to one per cent., as recommended elsewhere, in which case the State tax may be reduced to two millions of dollars.

HOOSAC TUNNEL.

This enterprise has now been in the hands of the contractors one year and nine months. The progress for the first year was slow, as the machinery was imperfect, and the contractors, though accustomed to large public works, were inexperienced in tunnelling on an extensive scale. For a long time they could not obtain enough laborers to man the works as fully as they desired, but for the last six months

there has been no difficulty in obtaining as many as they could employ to advantage, and the progress made is much more satisfactory. The central shaft is now finished down to the grade, and the contractors are working from that both ways, though as yet, for the want of machinery, they are unable to make great progress. Thus far there seems to be no serious obstacle to an early completion of the tunnel,—certainly sooner than the stipulations in the contract require. The contractors have performed their work generally to the satisfaction of the engineers in charge of the tunnel under the authority of the State. The line has been carefully examined recently, so that no reasonable doubt can be entertained that the position of the central shaft is correct, and that the headings will meet and form a continuous tunnel in a straight line from end to end.

The amount of work performed by the contractors, Messrs. W. & F. Shanly, is \$1,248,184.13, and the amount paid to them is \$740,047.31, and the reserve held as security for the faithful performance of the contract, amounts to \$508,136.82.

The amount to be paid them will increase each month until the contract is completed, as progress from the four faces will be at least one-third greater than has been attainable up to this time, working from only two. The whole length of the tunnel now opened is thirteen thousand six hundred and twenty-two (13,622) feet, or very nearly two and seven-twelfths ($2\frac{7}{12}$) miles. The distance remaining is eleven thousand four hundred and nine (11,409) feet, or very nearly two and two-twelfths ($2\frac{2}{12}$) miles.

To all who have had knowledge of the obstacles which have been overcome since the enterprise was commenced, there seems to be very little doubt of its speedy completion. That the public need this new avenue very few question. Our railroads leading to the interior cannot, or have not, kept pace in their improvements with the increasing demands for new and enlarged facilities made by the growing business of the State. As the opening of this avenue becomes a certainty, greater accommodations will be needed by the connecting railroads, and they cannot make too early preparation for the increased traffic. The State has a very large direct interest in the early development of this through line, and should give every facility that is needed to accomplish the object. Some have been disposed to question the ultimate value of the line in direct returns to the treasury, because the people of other States have been made to suffer heavy direct losses from the want of wisdom and faithfulness in the managers of these public enterprises. We confidently

hope for more care and fidelity in the management of this work by which the treasury will ultimately be reimbursed for this outlay. But if it should be otherwise, the indirect advantage will far exceed and outweigh the amount of money expended.

The last Legislature appropriated one hundred thousand dollars for repairing the injuries to the Troy and Greenfield Railroad caused by the freshet of October, 1869. The work has been done under the superintendence of experienced engineers, who have taken every possible precaution to prevent a recurrence of the disaster. The road and bridges are in much better condition than ever before, the appropriation having been judiciously and economically expended.

THE BOSTON, HARTFORD AND ERIE RAILROAD COMPANY.

Soon after the adjournment of the last Legislature the supreme court placed the property of the Boston, Hartford and Erie Railroad Company in the hands of receivers, after a careful and protracted hearing, which demonstrated that that corporation was hopelessly insolvent. I am informed that suits have been instituted in other States under which some of its rolling stock and other property have been sold. Various suits are pending in regard to its franchises and property, involving questions of much interest to the Commonwealth, which holds more than three and a half millions of dollars of its bonds. The State has loaned it about three million six hundred thousand dollars, but this amount is properly reduced by the sinking fund to about three millions of dollars. For this indebtedness the Commonwealth holds as security:—

First, The obligation of the company to pay the bonds issued by the State, at maturity.

Second, Three million six hundred thousand dollars of Berdell mortgage bonds.

Third, A second mortgage on all the lands purchased of the State and of the Boston Wharf Company at South Boston by the Boston, Hartford and Erie Railroad Company.

On the 15th day of November last, the Boston Wharf Company, in accordance with their agreement with the State, gave notice that they were about to foreclose their mortgage. This notice must be served nine months prior to any sale in behalf of the Boston Wharf Company. Some action, therefore, must be taken by the Legislature to preserve the rights of the Commonwealth in this valuable property, as the Treasurer has now no authority to pay the interest or principal of this underlying mortgage. This

mortgage was given to secure the payment of one million two hundred thousand dollars, and covers about twenty-six acres of filled land, now in the hands of the receivers, and used by them for the business of the road ; and also about twenty-three acres of flats on which a very considerable expenditure has been made in preparation for filling as stipulated by the Harbor Commissioners. This land, amounting to nearly fifty acres, lying on the east side of Fort Point Channel, cannot fail to become very valuable hereafter for the use of the several railroads, whose merchandise depots could be located there with great advantage to them and also to the general wants of the public. That the property will be worth far more than the mortgage and interest belonging to the Boston Wharf Company, long before the bonds loaned to the corporation by the State shall fall due, I cannot doubt, and I earnestly recommend an early examination of the subject in order that some arrangement may be made with the Boston Wharf Company, or else an appropriation be made to save the property to the State. If a favorable turn in the affairs of the Boston, Hartford and Erie Railroad Company takes place, that corporation or its successors will need a large proportion of the land, and the State may be more ready than any private owner to favor the corporation. The early completion of the road is most desirable, and no doubt the work will be resumed as soon as the courts are able to unravel its complicated affairs, and to give the rightful owners possession.

If there is any way by which the State can assist responsible parties to fill the flats mortgaged to the State, it may be best to do so, but no other aid should be given this enterprise, which doubtless will be completed by parties holding bonds, and otherwise interested in the future success of the enterprise.

The States of Rhode Island and Connecticut are deeply interested in the completion of the road. They cannot fail to receive great benefit from its intimate connection with the coal-fields and the great market of the West. If public credit is to be again asked, these States should be appealed to, and if they still refuse assistance and this route is not opened, their citizens will have no occasion to charge Massachusetts with inaction. In fact, we may well pause before aiding this Company any more, if it is not thought worth assisting by those States, which are certainly to receive as many if not more benefits from its construction than our own. The trustees under the Berdell mortgage have taken no steps to obtain possession of the road, for the reason that

no party has placed funds in their hands to pay counsel fees, and other necessary expenses which are incident to the trust. The Commonwealth should furnish its share of this outlay in connection with other parties who hold these securities. Many of the bondholders are ready to contribute, but seem to be waiting for the State to take action, feeling, probably, that unless the larger holders are ready to furnish their proportion, what they would subscribe would be of little use. If the State subscribes its share of the funds necessary, they will readily follow, and the trustees will be able to proceed according to the terms of the trust.

There seems to be no other practicable way to bring the property into a position that will enable the parties concerned to finish the road. That course is agreeable to the conditions of the mortgage and in accordance with usage in all such trusts. Doubtless this will appear to be unfavorable to those persons having claims against the corporation, but they can have little hope of receiving anything under the present receivership, which, at best, is intended to be only temporary. It may be wise to give the trustees power to compromise such claims as appear to be just, in any way not inconsistent with due regard to the interests of the bondholders.

RAILROADS.

The report of the Railroad Commissioners will be found to contain a great variety of suggestions and details, the interest of which, to the people of the Commonwealth, will be seen when we remember that the annual sum now paid for transportation to the several railroads within our limits, exceeds the whole amount of our State, county and town taxes. It is worthy of inquiry whether the rates of transportation cannot be reduced, and, from the consequent increase of business, the corporations be enabled to pay reasonable dividends, while affording increased accommodations to the public.

Much of the time of past Legislatures has been devoted to the examination of the various projects for new railroads brought to their attention. May not the time now have arrived when general laws may be enacted under which all new enterprises may be organized, and thus relieve you and your successors from the labor of these investigations?

The powers of the Commissioners might also be extended, and they be authorized to determine many points now controlled by local boards or the Legislature, such as the crossing of highways, the location of stations, and other minor

matters, which in other States have been found to be safe under the care of central boards, or of the courts.

SAVINGS BANKS.

From the report of the Commissioner of Savings Banks, it appears that the whole amount of deposits and surplus in the banks is now \$138,232,271.59, an increase of nearly \$24,000,000 over the amount on deposit last year. It is very evident that a large share of this increase is not the savings of labor.

The investments have been found to be safe, and as remunerative almost as in other money corporations where the funds are not so readily at the command of the owner.

Each year shows more deposits by capitalists. Perhaps this is not to be regretted, as it enables the banks to do the business at a very small expense,—the average cost last year being only twenty-seven one-hundredths ($\frac{27}{100}$) per cent. A very large part of the funds is loaned on real estate, this method of investment having been favored in former years by the Legislature, and highly approved by the public. By every prudent expedient we should encourage these institutions. They are under the authority of the State, and are generally controlled by honest, sagacious and faithful men. The accumulations of capitalists will, in the end, find their way largely into these institutions, for as our banking law now stands, they furnish the only place of deposit for persons desiring to have their invested funds on interest, and at the same time subject to their immediate call. In this way, money that would seek other parts of the country for investment, is retained here for the benefit of our people desiring to make permanent loans at moderate rates of interest. I am constrained to say here, that there has been a manifest desire with many, especially the new banks, to pay a large dividend in order to attract deposits. This has led them to exact high rates of interest on their loans, often as high as eight per cent., and sometimes higher. It is evident to all business men that such rates cannot be obtained without impairing the security of the loans. Thus far great care and wisdom have been manifested in the conduct of these institutions in their investments, but if a spirit of rivalry is engendered disaster will surely follow.

It may be wise for the Legislature to place some wholesome check on this tendency of the banks to exact high interest and consequently to take doubtful security. The burden falls heaviest upon the small borrowers, who are the least able to bear this exaction. It is for the public welfare

that every man of moderate means should have a homestead, and every inducement should be held out to him to exert himself to obtain one, but it is discouraging for him to find that he cannot effect a small loan without being compelled to pay a rate of interest which will absorb a large share of his surplus earnings.

It should be a principle with the institutions to invest in these small mortgages. As a rule, they are equally safe with others, the only objection being the extra care on account of the increased number of loans. This is a very small consideration, and certainly every bank officer should be willing to contribute his part of labor for the public good, and for the benefit of a large share of the depositors in these institutions.

I again call your attention to the propriety of enlarging the amount of deposits which may be made by any one person. I can perceive no possible harm to the public in such an increase, but, on the contrary, much deception would be avoided if depositors be permitted to place considerable amounts in banks convenient to their places of residence.

The rate of taxation on deposits in these institutions is only about one-half the average rate of the State. Owing to the great changes in our financial affairs, the drift of these institutions is to become ordinary money corporations, and it is questionable whether such a great relief from the public burdens is longer justifiable. An increase of the tax would also tend to check the establishment of new banks where there are enough already for the accommodation of the public. In most of our large towns and cities there is no real necessity for more banks. The demand comes mainly from persons who expect to hold treasurerships and other offices which yield comfortable and permanent salaries. This disposition to seek these sinecures should not be encouraged by the Legislature.

THE STATE PRISON.

The income of the State Prison for several years has exceeded the expenses by nearly thirty thousand dollars. This is a very gratifying result, which is largely due to the faithfulness and good judgment exercised by the Warden, Inspectors and other officers of the institution. While such success has attended the labors of those in charge, pecuniarily, there has been a marked improvement in the discipline of the prison. The inmates have been kindly treated, and every effort on their part to lay the foundation of a better life when they shall be released from confinement, is ear-

nestly encouraged. The school established more than a year since has been very successful, and the attendants show their appreciation of the privilege granted them by faithful devotion to their studies. Three evenings a week are employed in the instruction of more than one hundred scholars, and a larger number would attend if the prison had a room properly arranged and fitted exclusively for school purposes. In the winter months lectures are usually given once a week, which are fully attended, and the privilege is highly prized by the inmates. At present the chapel is used for a school-room, there being no other place for public worship, lectures, entertainments or school purposes for nearly six hundred men. It is a matter of vital importance that this large number of prisoners, desiring instruction in various ways, should have ample accommodations for that purpose, so far as they can be given to them with safety. It must be admitted that confinement in idleness is not the best or most effective form of punishment. If we seek to restore the criminal to society a reformed man, we cannot withhold any means of improvement compatible with his condition. In this work the school will occupy a high place in the future. It is an evidence of the advancing civilization of the age. It is not in harmony with our history to leave these young men in that state of ignorance, which in many cases led them to commit the crimes which sent them to prison ; and the State should not continue to be responsible for this ignorance while the criminal is under her authority. These men should be encouraged to prepare themselves for usefulness when they shall leave the prison, and be better fitted to obtain an honest livelihood than when they entered it. A moderate sum will enable the authorities to provide a school-room with suitable desks, blackboards and other appurtenances necessary for the comfort and instruction of scholars. Certainly men confined to the walls of a prison should have such common conveniences, especially when there is a surplus paid into the State treasury yearly, above the ordinary expenses of the institution. An increase in the amount appropriated for the purposes of instruction should be made, to enable all who desire, to avail themselves of the advantages of the school. I would also suggest the expediency of allowing the prisoners compensation for extra labor. The money thus earned might be paid to their friends, who often suffer greatly for the loss of their assistance ; or it might be deposited in the savings banks for their benefit when they leave the prison.

The exertions made by the authorities to improve the moral and physical condition of the inmates have been appreciated by them; the number of offences against the rules of the prison has been lessened; there are fewer attempts to escape, and there is a more cheerful aspect over the whole institution than in former years. Nor do the privileges which have been allowed the prisoners lessen their fear of punishment. Nothing can compensate a human being for the loss of liberty, or make imprisonment for any length of time endurable. The quickened intellect feels even the more keenly the dishonor which clings to a felon's name, and still more the deprivation of personal freedom. The statistics of the prison show that not more than one-sixth ever enter its walls, as criminals, the second time.

Though some are pardoned, and the public are often led to believe that executive clemency is too freely exercised, still the chances of freedom in this way are too small, in this State, to induce any one to run the risk of long incarceration. Not one-tenth of the whole number are pardoned annually. Of the number of prisoners pardoned, many are released when quite ill, that they may be cared for by their relatives in their last days; and others, whose crimes are not of an aggravated character, are set free when showing incipient disease, and where continued confinement will most surely produce fatal results. All who have had experience in the Council will testify to the caution exercised to prevent an unwise use of the pardoning power. Persons taking seats at the Council Board with strong convictions against the policy of releasing prisoners before the expiration of sentence, have almost invariably been led to modify their views, and often become the readiest to listen to petitions for clemency.

It may be mentioned, in this connection, that it is the custom to issue pardons on condition that if the person pardoned is again convicted of crime, during the period of his first sentence, he shall serve out the remainder of the original sentence. This most salutary provision is rarely departed from; and it is very seldom that a prisoner is again convicted while this condition is in force, however hardened he may be in crime. A consideration of this subject may lead you to make further amendment to the law, and give greater power to the executive in this direction.

THE PRISON COMMISSION.

The Prison Commission has had but a short time to examine the important matters committed to it by the law of

the last Legislature establishing that Board. That our county system of prisons needs radical changes in many respects cannot be doubted by any one who examines the subject. The Commission, in carrying out the will of the Legislature, desire to remedy evils, and not to make changes of doubtful expediency. That their action may be wise and satisfactory is their earnest purpose ; and they have, therefore, proceeded with great caution to make a thorough examination of the jails and houses of correction throughout the Commonwealth. Thus far they have been unable to mature a system under which they can make transfers of prisoners as contemplated by the law. They will lay before you, from time to time, for your information, such facts and recommendations as may seem to them important and judicious. The subject is one of much interest, and should receive careful attention.

THE STATE CHARITIES.

The report of the Board of State Charities will show their operations and the results which have been attained during the year. It is the purpose of the Board to bring all departments under their care into harmonious action, with a rigid accountability for the large disbursements which are wholly or partially under their authority. It is not their desire, nor that of the people of the Commonwealth, to treat the unfortunate persons who are dependent upon the public for support, in any parsimonious spirit, but rather that a wise care and oversight should be instituted upon all expenditures, and giving at the same time to the recipients of the public charity everything that will conduce to their welfare consistent with their condition. It has been the aim of the authorities to discourage persons in needy circumstances from becoming chargeable to the State ; to keep alive in them, so far as possible, the feeling of personal independence ; for when a man becomes willingly dependent, he is not only an expense but a means of demoralization to the community. Let the traditions of a family be those of voluntary pauperism, and scarcely any effort in their behalf will lift them from the degradation.

Acting on the principle that segregation is far better than aggregation, especially for the young, the State has established the system of relieving the sick poor through the town authorities, thus saving a large regular expenditure for their support, and at the same time permitting them to enjoy the comfort of their homes, and the society of their relatives and friends. A visiting agency has also been es-

established which has partial supervision over every child in the care of the State, but particularly after he leaves its institutions, to prevent the infringement of his rights as regards his physical wants or moral and intellectual welfare. In addition to this supervision, the agency performs a most important work in examining the real facts of the cases of the children when they are brought before the magistrates, for it is the duty of the agent equally to defend the rights of the children and of the Commonwealth. Another duty of the agency is to provide suitable places to indenture the children as fast as they can be discharged, with safety to the public, from the institutions to which they have been sentenced. The result of this work will appear in the report I have referred to, and also in the extended report of the agent. The objects contemplated in the establishment of the agency must meet the approbation of every one who seeks the welfare of the children, and the best means of relieving the Commonwealth from the burden of their support. As the result of its action the number of inmates in the Westborough Reform School has been largely reduced. The same is true also of the Nautical School, and the trustees have been enabled to give up one ship, transferring the boys on board to the other ship, and to the Westborough School. The ship thus relieved has been sold, and the proceeds of the sale have been paid into the treasury. There would seem to be no doubt of the expediency of continuing a system which has been of such signal benefit to these children, and also a means of reducing largely the expense of their maintenance. Instead of curtailing its action it would be better to extend the powers of the agency, bringing every child accused of crime under its supervision, before sentence as well as after, that our courts may be saved the painful task of trying children of tender age, without other defence than the humanity of the courts, which in some instances have stopped the proceedings, directing the officer to open the prisoner's box and let the child go free.

The workhouse at Bridgewater needs the attention of the Legislature. It was originally built for an almshouse, and is still used as such to a limited extent. But now by far the larger part of the inmates are held under sentence for two years, and under, mainly to give them an opportunity to reform. It will be seen at once that a building adapted to the purposes of charity is unsuitable for a prison. There should be a thorough separation, that the penitent desiring to reform may not be influenced by the incorrigibly wicked. Scarcely any such isolation is now possible, and if the pres-

ent system is to be continued an appropriation should be made to enable the authorities to improve the buildings and adapt them to the present uses of the institution.

THE MILITIA.

Very few changes have been made in the laws relating to the militia, for three years past. The system established seems to be well adapted to our present circumstances, and is generally satisfactory to the officers and men, who retain their enthusiasm for the service, as evidenced by the number going into camp each year, which remains about the same.

The number of enrolled militia is	181,719
Increase over 1869,	5,960
The number of men of the active militia actually in camp was	5,890

After consultation with the major-general and the higher officers, I concluded to order a muster of the whole division at Concord. The opinion seemed to be general that an encampment of the whole force would be of great benefit, by stimulating the different organizations to make the best appearance possible, both in numbers and condition. There had been only one similar muster for twenty years, and that was held before the war. A large gathering would bring out the veterans of the late war, and encourage them to join the militia, which is very desirable, as they give greater efficiency to the drill and infuse a spirit of discipline into the young men who have never been in active service. I am happy to say that the militia received the proposition favorably, and showed every desire to make the muster and review useful as well as creditable to themselves, and honorable to the Commonwealth. Under the wise and careful orders of the major-general of the division, all of his admirable arrangements were carried out most successfully. The police established to prevent straggling from camp, and other disorders, was very efficient, and there were no disturbances, either in the camp or outside, equal to those of an ordinary brigade muster. The real objection raised to the general muster was thus overcome, and no complaint was then, or has been since, made of irregularities on the part of the soldiers.

In company with my staff I visited the encampment on one of the days devoted to general review. The appearance and marching of the troops elicited the highest praise

from the members of the staff and other gentlemen who had attained honorable distinction in active service. It was their unanimous testimony that they never saw a better review while in the Union armies, and that they felt this force was trained and prepared for war as well as any militia could be in time of peace.

Though the expense to the State of sustaining our military system is large, it also involves quite an outlay on the part of the members of the organization. They are entitled to the gratitude of their fellow-citizens, and should receive assistance and encouragement in their laudable zeal to fit themselves for service at the country's call. The State has received high honor from the readiness of her citizen soldiery to go to the country's defence when the capital was imperilled. She should never fail to support those patriotic men who are willing to give their time and money that the State may be prepared for a similar emergency.

The difficulty of procuring suitable camping ground increases each year. There is no provision by law for paying for the use of such grounds, and they have to be furnished by the commander under some arrangement with the owner, who often stipulates that he may lease a portion of the grounds for the accommodation of the public. This enables the vendors of various articles detrimental to the welfare of the encampment, to ply their trade as they could not do under proper and usual regulations. To avoid this stipulation, the generals commanding have been obliged to submit to a heavy expense which the State should not permit them to incur. If the Legislature should think it unwise to purchase grounds, an appropriation should be made to pay for the use of any lands necessary for the encampment.

Only one regiment is armed with breech-loaders. A large proportion, if not the whole of the infantry, should be armed in like manner, if we desire to keep them prepared for effective service. The war in Europe has created such a demand for fire-arms that their cost has materially increased; but still, careful inquiry should be instituted to ascertain whether early preparation ought not to be made for arming all of our infantry with these new guns. The annual expense of the militia for the past three years has been about two hundred and twenty-five thousand dollars. I see no way of reducing this amount and retaining the efficiency of the organization, except by reducing the number of companies. It is the opinion of the adjutant-general and other officers that this may be done without injury to the service. Having called the attention of the last Legislature to the

propriety of diminishing the cost of the militia in this way, and it having been decided not to reduce the force, I refer to it now only to ask you to consider the matter before making other changes in the system.

I shall transmit for your information the report of the surgeon-general, detailing the operations of his department. The services rendered the soldiers of the late war by this faithful officer and his assistants deserve high commendation. This State alone extends pecuniary aid to disabled soldiers and the families of the slain. More than six hundred thousand dollars are still paid annually for their relief; and while this method is continued, the work of this department must be performed in a systematic manner, or the Commonwealth will be liable to great loss from frauds practised by parties who are ever ready to live on the public bounty. On the other hand, deserving persons will suffer from the want of information and assistance.

Many applications for pension and bounty are now pending, which have been placed in the care of this department, and if they fall into the hands of dishonest claim agents the soldiers will lose a large part of the amount really due them. From motives of humanity, as well as justice to those who have sacrificed so much, this work should be continued; and it is my opinion that the system is the best that can be adopted to relieve these persons, who deserve so much from the country.

INTOXICATING LIQUORS.

For nearly twenty years, with a single exception, the prohibitory law, so called, has been on the statute book. It has been changed, more or less, at nearly every session of the Legislature, to meet the demands of public opinion. Notwithstanding these changes it would appear that the sentiment of the State was unqualifiedly in favor of the principle of the law, for its enforcement to-day is more general and quite as stringent as at any former period, and at the same time there is little opposition expressed, except by those who are amenable to the law. In no other way can a restriction on the sale of intoxicating drinks be made effectual, —at least, no other way has as yet been discovered. True, many, relying too much on the power of law to stem the tide of intemperance, have become discouraged because the desired results have not yet been attained. They have censured the authorities for supposed unfaithfulness, not having acquainted themselves with the practical obstacles to a rigid enforcement of the law. Those engaged in the traffic have

not been idle, but have brought every possible influence to bear upon the public, in the hope of creating an impression that no law could be executed. With all these embarrassments, there is no doubt that the law is more effective and better observed in this State than similar enactments for the restriction of the sale of intoxicating drinks in other States of the Union. Under it thousands of dram-shops are suppressed and the whole traffic is curtailed. This is manifest to any one who visits communities where there is no such law, or examines the reports of the State Constable, and the records of the courts.

That the whole dram-shop system is considered a nuisance and a curse is abundantly attested by the legislation of two hundred years. The daily experience of every police officer shows it to be the great nursery of vice, poverty and crime. The people of the State have manifested their purpose, repeatedly, to do away with the system, especially in regard to the sale of spirituous intoxicating liquors; but they have not been so unanimous in their opposition to the sale of malt liquors.

The last Legislature repeatedly, by a nearly unanimous vote, declared its opinion to be that some modification of the law of 1869 was expedient. Finally, an Act was passed referring the matter to the people. There was no attempt to legalize the sale of spirituous liquors, but it seemed to be conceded that public opinion was well settled in regard to them.

As I understand the law, no principle is yielded. The public, including the friends of temperance, were divided upon the question. No one knew the real opinion of the people; the Legislature referred the matter to them; and I could not see the propriety of withholding my signature to the Act. Solon, when asked if he had made the best laws for the State, replied, "No, but the best that the people will bear." In this country the people are the law-makers through their representatives, and to secure any law the people have but to signify their will and it will be obeyed. I believe the people will desire to improve this law, so far at least as to suppress dram-shops of every kind. This seems to be their opinion as expressed by their votes taken in September, which show that of 140 cities and towns voting, 119 decided to prohibit the sale.

It is believed that if local meetings had been more generally held, the vote would have been more decisive, and the moral effects of such action by the people would have

greatly deterred offenders against the law from pursuing their business.

Although there is a seeming indifference to the great evil of intemperance ; although the most enthusiastic friends of temperance are often disheartened by the obstacles to be overcome, still there is constant discussion as to the best methods of suppressing it, and there is a steady advance in the general sentiment that the use of intoxicating liquors as a beverage is not to be defended ; but, on the contrary, that the public morals and the public interests will be greatly subverted when the custom shall have been abandoned. Surely, every philanthropist, every lover of his country, every political economist, must feel called upon to aid, by example as well as by precept, in the consummation of a reform upon which the highest interests of the State so greatly depend.

ASYLUMS FOR INEBRIATES.

I shall transmit to you, at an early day, the able Report of the Commissioners on Inebriate Asylums, which cannot fail to be read with much interest. For a long time efforts have been made to establish an institution which shall be exclusively devoted to the restraint and reclamation of persons sentenced to prison for drunkenness. They are a source of constant sorrow to their friends, and a burden to the community when free. Many of them, when sober, are peaceful and industrious, doing what they can for the comfort and support of their families. The appetite for stimulants has been indulged by them so long that the ordinary periods of imprisonment serve little else than to make the desire uncontrollable, when they are again brought into places of temptation. By a longer term of restraint it is hoped a cure may be effected, as their physical systems will have been improved, their moral powers gradually strengthened, and thus they become enabled to overcome their habits.

The Commission have given much attention to this part of the subject submitted to them, and their conclusions cannot fail deeply to interest the public and justify decided action by the Legislature. It is repugnant to our humanity, if not to our sense of justice, to incarcerate these men with professional and hardened felons, and they should suffer this wrong no longer. The Commission recommend the incorporation of an institution for the medical treatment of inebriates who directly place themselves voluntarily under restraint, or are placed in the institution in the same man-

ner that insane persons now are in asylums. They also concur in the request of the Directors of the Washingtonian Home for an appropriation by the State of the sum of fifty thousand dollars, on condition that a like sum is given by individuals for the purposes of the institution. This Home has been very useful in years past in saving many men who appeared to be lost to themselves and the world, and its means should be increased that it may keep pace with the demands made upon it. It is commended to your favorable consideration.

THE STATE POLICE.

It will be seen from the report of the Constable of the Commonwealth that while the special duties devolving upon his force by law have been faithfully performed, the deputies have been exceedingly useful as a general police for the preservation of order on important occasions, as well as for the detection and prevention of ordinary crimes.

The necessity of this force is more apparent every year. To rely only upon the police of the several municipalities for the arrest of even common offenders would weaken the administration of law. The fact that there is a central force accustomed to dealing with turbulent and disorderly persons, is in itself a check upon the disposition of offenders to resist other officers of the law. In no year have the services of the police been in such constant requisition by the authorities of cities and towns where there were to be large gatherings, as in the past. The efficiency and good conduct of the force on all these occasions have been most noticeable, and have elicited high praise from persons hitherto disposed to question the necessity of its existence.

The last Legislature so far reduced the appropriation that nearly one-half of the deputies had to be discharged. This has proportionally diminished the value of the labors of the force, and the impolicy of this movement is seen in the fact that constant calls have been made by the people of many of our larger towns for the reappointment of the discharged officers in their respective localities, in order that they may be protected in their persons and property. The Constable of the Commonwealth has collected and paid into the treasuries of the several counties, sixty thousand dollars more than the whole expense incurred in his office.

The cost to the people, then, would seem to be no reason why the appropriation should be reduced. It is far better to prevent crime than to arrest and punish criminals who, if they understand that there is a force, ever on the alert, fully

competent to deal with them, are deterred, if resident here, from breaches of the law ; and those living elsewhere avoid a State where their characters are known and where they are almost sure to be detected and punished if they commit crimes. It must be apparent that the best interests of the community will be promoted by a larger appropriation, that the number of constables may be increased.

AGRICULTURE.

The agriculture of the State has suffered from the peculiarities of the season, to a greater extent, perhaps, than any other interest. A winter of singular mildness, followed by a spring remarkably early and propitious, gave promise of a fruitful harvest ; but a heated term succeeded, culminating in a drought of unprecedented severity, which seriously affected the crops, and caused great loss and inconvenience in all parts of the State. The aggregate yield of farm products, with the exception of fruit, has therefore been less than usual.

The live-stock interest of the State, especially that connected with the dairy, has been increasing in extent and importance during the last few years, and the well-being of the community is so intimately connected with and dependent upon it, that the health of the animals on which we rely for dairy products is a matter of great public concern. Contagious diseases among cattle, therefore, have occupied the attention of all civilized governments. The energy and decision with which the State authorities extirpated a highly contagious cattle disease, imported into this State ten years ago, elicited the highest commendations throughout the country, and indeed it may be said throughout the civilized world, for the methods adopted, the Acts of the Legislature, and the reports of the Cattle Commission relating to it, have been eagerly sought wherever the disease has appeared in this country and abroad.

We have a new disease to contend with, which is of a highly contagious character, recently imported and spreading rapidly among the farm stock. Though quite different from the disease known as pleuro-pneumonia, which the authorities so thoroughly eradicated that no trace of it has been found within our limits for the last five or six years, it is regarded abroad as scarcely less to be dreaded,—not so much from its immediate fatality as from the great loss of property which it entails by rendering the cattle useless. The sacrifice of several hundred thousand dollars is believed to be inevitable. It is supposed to be too late to attack the disease with

any hope of eradicating it completely ; but if the Legislature places sufficient power in the hands of the Cattle Commission at once, it may be confined to its present limits by suitable sanitary regulations.

The Legislature of 1869 offered prizes for essays upon the construction, repairs and management of roads, to be awarded under the direction of the State Board of Agriculture. The offer elicited a wide competition, and the prizes were assigned by a committee of the Board, but the matter was not laid before the Legislature in season for any mature action to change the present ancient system of road management. Certain inquiries were instituted, however, and the results, with many statistics in regard to the extent and condition of our public highways, will soon be laid before the Legislature by the Secretary of the State Board of Agriculture. A widespread interest has been awakened in this subject, and it is believed that the time has come when the whole system of roads, as recognized by the statutes of this Commonwealth, should be revised and adapted to the wants of the present time and of an advancing civilization.

The Agricultural College has steadily grown in importance and in the confidence of the public. The number of students already admitted, and the numbers presenting themselves for admission each year, show clearly that there was a demand for such an institution in the community. An impartial examination of the curriculum of studies must convince any candid man that it is eminently calculated to meet the practical wants of the present time. This College affords an opportunity for any young man to study the natural sciences and fit himself at the same time by daily observation and labor, for the pursuit of agriculture. It gives him a thorough course of instruction in English literature ; he is obliged to study military tactics and practise them daily, so that when he is graduated he is well qualified for military duty and command. So far as the classes have gone on they show good proficiency, and it is confidently expected by the friends of the institution that the class which is to be graduated this year will compare favorably with classes in our other colleges in the studies which they have pursued. The expenses of the course in this College are not large, and it is the aim of the trustees to bring them within the reach of any young man of enterprise and energy who desires to obtain an education which will fit him for the active labors of life. The practical value of the College will be more apparent hereafter, and its friends firmly believe that the day is not far distant when a large number of students will be in attend-

ance, and that it deserves and should receive the fostering care of the State. Give it means to educate three hundred students, and it is expected that it will be of no further expense to the Commonwealth, but become self-sustaining, and that then, like other colleges, needed improvements will be furnished by the beneficence of the wealthy, aided by the strong support of the Alumni who will be graduated from year to year.

The last Legislature passed an Act "for the laying out one or more public parks in or near the City of Boston." The Act failed by a few votes only to be accepted by the people. As there was so large a vote in its favor, it would seem to be the general opinion that the public good required the contemplated action authorized by the Bill, and it is worthy of your consideration whether the two-thirds vote required to make the Act valid should not now be reduced to a simple majority. It is not alone the City of Boston which is interested in this enterprise, but a large district of country around it.

INLAND FISHERIES.

The fifth annual report of the Commissioners on Inland Fisheries contains much interesting and valuable information. The commissioners are gentlemen whose experience, mature judgment and practical methods of management are manifest in their prosecution of the important work entrusted to them. The experiments, facts and statistics which are given are valuable additions to what has hitherto been collected relating to fish culture,—a branch of industry which is gaining in popular favor, and in which a large number of the people in different parts of the Commonwealth are engaged, with more success than has been anticipated. Applications are constantly made to the commissioners to set apart streams, ponds or lakes for the purpose of prosecuting this business.

The case of the Commonwealth *vs.* The Holyoke Water Power Company is practically settled, the supreme court having decided that this company was sheltering itself behind an erroneous construction of its charter, thus endorsing an opinion long ago expressed by the commissioners. Should the United States Supreme Court, to which the case has been appealed, confirm this decision, the State will be saved an outlay of about twenty-five thousand dollars.

The cost of the work performed by the commissioners is trifling compared with the results reached, and there can be no hesitation in granting the small appropriation which they recommend.

IMPROVEMENTS IN CAPE COD HARBOR.

In 1867, after careful consideration, the Legislature authorized the construction of a sea-wall across the opening of East Harbor Creek, in Cape Cod Harbor, at Provincetown, and appropriated for that purpose one hundred thousand dollars. In the year 1868 the appropriation was increased to one hundred and fifty thousand dollars, and placed in the hands of commissioners, who thereupon proceeded to construct the sea-wall or dike, and finally completed it successfully in the year 1869. Among the original resolutions was one asserting that "the appropriation hereby made is in anticipation of a duty and obligation which manifestly belongs to the general government of the United States, and which is now assumed by Massachusetts in the present exigency, relying upon ultimate reimbursement therefor." It will be seen from this that that Legislature were clearly of the opinion that there was an exigency for completing the work; for, although the harbor was so much in danger, yet the United States had failed to make the necessary appropriations for the purpose. The whole work, since its completion, has been examined by United States engineers, and pronounced by them to be satisfactorily constructed. In the opinion of some of them at least, if not all, the dike was absolutely necessary to the preservation of the harbor. The United States has always assumed the control and made all the necessary expenditures for the preservation of all the important harbors of the country. It is clearly, then, the duty of the general government to reimburse the State for this expense. By the first Resolve it was made the duty of the executive to request our senators and representatives to urge and secure the reimbursement by the United States of the amount expended, but the work was not completed in time to be fully presented to Congress for action during the last session. If the matter should receive the early attention of the Legislature, and a memorial be presented to Congress, stating the conditions of the work and the necessity of the expenditure, it would aid in securing the payment of the amount disbursed, and which, by every consideration of justice, is due the Commonwealth.

EDUCATION.

No subject awakens a deeper interest in the minds of the people of this Commonwealth than that of education. The appropriations for public schools are increased each year by the cities and towns. The systems of instruction are thoroughly discussed and examined by teachers, school boards

and persons interested, that new and better methods may be brought into use and old forms made more effectual. The public school-houses attest the desire of the people to provide material facilities hitherto unequalled and, until recently, unthought of by the most enlightened and progressive friends of education. The salaries of teachers have been increased, and although they are still too small to induce a sufficient number of persons to make instruction a profession, still more men and women are now preparing than heretofore to devote their lives to this interesting and honorable vocation.

Although the standard of education has been raised so high, and the reputation of the State is unsurpassed by that of any other in the Union, much remains to be done to perfect the system and give it wider scope and increased means of usefulness. The chief hope of our State is in its intellectual development. From the education of the whole people she has received incalculable blessings in the past, but only by a most watchful and attentive care can they be retained in the future. No outlay can bring such an abundant return, even in material wealth, but this is far exceeded by the higher benefits received and the nobler purposes inspired by the pursuit of knowledge.

Let no demand for assistance in any department of instruction be met in a parsimonious spirit, and if there is even a promise of benefit in any new suggestion, the experiment should have a fair trial. Hitherto our system of education has extended little beyond elementary principles. There is open to us a most extensive field of usefulness on which the future productive power of the State greatly depends.

Our system is deficient in technical instruction; we give no special drill for any particular trade. When our children are graduated from the public schools they have no preparation, by instruction, for any definite business. A boy must choose his occupation and fit himself for its duties without other instruction than the slow process of experience and observation. In the demand for labor and the changed circumstances of the time the old apprentice system has passed away, and there is no convenient and proper substitute. Nearly all of our industrial labor is self-taught, and consequently in a great degree unskilful, compelling us to manufacture coarser fabrics, or import machinery and skilled laborers from Europe. The future material success of the State lies in her industrial mechanical pursuits. With small territory and a sterile soil, a largely increased agricultural product cannot be expected, but other forms of indus-

try may be extended indefinitely, if we educate our artisans and supply skilled laborers from our own population. Each large town should have a technical school established, to teach the particular branches of business followed by the inhabitants of the town and vicinity, not only for youth but also for adults. From these schools would go forth, each year, graduates fitted to fill important positions in our various manufactories, with minds trained to apply the principles which have been slowly developed by their predecessors in the school of experience. Technical schools have been established by law in Germany, Prussia, Belgium and other States of Europe, for the express object of enabling those countries to compete with their neighbors in all kinds of manufacture. They have been very successful, and wherever located the communities are prosperous, and the business of the town or village enjoying the advantages of a technical school, has largely increased. In this matter of technical education we are far behind these countries. We should be so no longer. We are liberal in our grants for elementary and classical education; we encourage railroads and other public works; but thus far we have failed to stimulate and interest our youth in those special industries which are to give our State increase in population and material prosperity. Perhaps it will be found unnecessary to draw much money from the treasury to initiate the system, for the end may be accomplished by authorizing the cities and larger towns to establish such schools as are suited to the business of the locality, and support them in the same way that other schools are now sustained.

The theoretical study of music has been introduced, with marked success, into the public schools of some of our larger cities and towns. It may be wise to make this one of the branches of learning which are required to be taught in our public schools.

The amount expended for instruction, raised	
by taxation, is,	\$3,125,053 09
Increase over last year,	201,344 30
Amount raised by taxation, including income	
of surplus revenue, for each child in the	
State between the ages of five and fifteen	
years,	\$11 54
Increase over last year,	70

Percentage of the valuation of 1865, appropriated for public schools, three mills and ten hundredths. Increase over last year, twenty hundredths.

The larger proportion of teachers are women, and their average wages per month are only thirty dollars and ninety-two cents. When we consider the care and responsibility which devolve upon the teachers, and that comparatively few persons are fitted for the profession when they enter it, and that they do not intend to follow it for any great length of time, we must inevitably come to the conclusion that an increase of compensation is absolutely necessary to the continued success of our schools. The most costly instruction paid for is that given by inexperienced and incompetent teachers. The scholar suffers all his life from errors contracted in his youth; and often two years' attendance at school is of less advantage than one would have been under a competent and faithful teacher. A large proportion of our teachers come from the academies of the State. They would be much benefited by attending a "training class" before leaving school. These academies might be encouraged to establish such classes by a small appropriation annually, to be expended under the direction of the Board of Education.

The Board, in their last annual report, recommended, after careful consideration, the establishment of a fifth Normal School at Worcester. The people of that city feel that they have been deprived, in a great degree, of the benefits of Normal School instruction. They claim that the Normal Schools are more accessible to the people of nearly all the other cities of the Commonwealth than to them; that while there are large numbers of young persons in Worcester and vicinity who would gladly prepare themselves to become teachers in their public schools, they are unable to leave home and consequently lose the advantages enjoyed by others. The experience of the Board shows that a very large portion of the pupils come from the immediate neighborhood of the schools, and that this tendency is increasing yearly. There is a growing demand for teachers trained in these schools, and it would seem to be the dictate of wisdom to supply this demand so far as it is possible.

The locations of some of the Normal Schools are unfortunate, but not so inconvenient as to make their removal necessary. If they had been placed nearer the great centres of population a much larger number of pupils would have attended them for the purpose of becoming teachers. In this respect Worcester being the centre of a dense rural population, is very favorably situated. Several important towns in its vicinity, as well as the city, would be accommodated, and from those towns it is confidently expected many pupils would be received, giving promise of a much larger school

than any now established. The expense of teaching three hundred pupils would be but little more than the amount paid for instructing half of that number, which is about the present size of the Normal Schools. From these considerations I am induced to cordially commend the action of the Board, and to ask your favorable consideration of the request of the people of Worcester.

We regard with the highest satisfaction the present healthful condition of our colleges, their constantly improving methods of instruction, the rising standard of attainments required for entrance, and the steady flow of private beneficence for their improvement. Most of these institutions are now on a broad and solid foundation, the result of a wise and faithful administration of the trusts committed by the public to their respective officers. In the time of their weakness the State lent them its efficient assistance, but at present I believe there is no new demand upon the treasury for their support.

I would, however, call special attention to an institution exclusively in the care of the State, the Museum of Comparative Zoölogy, which has given a new impulse to the study of natural sciences in the United States. It has widened the relations between our civilization and that of the older nations. It has, from its very foundation, made the interests of education one of its chief objects, to which it gives increasing attention; giving instruction not only to special students, but teachers also in the various branches of natural history. By its influence it is constantly raising the standard of culture in Massachusetts, and helping her to retain permanently her commanding position in matters of education throughout the country.

The growth of this institution has been so remarkable during the eleven years of its existence that, if duly supported, it will unquestionably soon take the lead among the great museums of the world. I would, therefore, both for the interests of education and learning at home, and for honorable competition with similar institutions abroad, commend it to your liberal assistance.

It is eminently becoming in us to recognize not merely the genius and extraordinary endowments of the projector of this institution, but also the generous devotion to science and the partiality which led him to select this country, and especially this State, as the sphere of his invaluable labors,—labors which reflect the highest honor on himself and on the land of his adoption,—raising it to a high position in the scientific world. We are painfully reminded by the present

state of his health that the time for developing his great idea and executing the part of the work he has undertaken, is both limited and of uncertain duration. What he has to do for us and we for him must be done quickly. Let the Commonwealth of Massachusetts with a magnanimous spirit meet the generous foreigner who has left his native land for ours, and for us refused the flattering offers of a mighty nation, sacrificing both health and fortune for our advancement. Let Massachusetts show the world that genius, generosity and science are not unappreciated by her.

WOMAN'S SUFFRAGE.

Woman's suffrage has recently been the subject of much public discussion. If brought to your attention, no doubt you will give it that consideration which it properly deserves. Certainly that is no trifling matter which concerns the interests and duties of more than one-half of the people of the Commonwealth. The usages, the sentiments and the teachings of past ages are indeed in opposition to this principle, but this is an age of change and progress. The existence and action of our republican government are also in opposition to the customs of the majority of nations, past and present. We are accustomed to examine each question independently on its intrinsic merits, and we are not bound by the traditions of the past.

With regard, then, to the abstract right, it is difficult to see why one sex only should exercise the privilege of voting, and there certainly are many strong considerations why those now excluded should be permitted to share in public affairs. Whatever conclusions, however, we may reach on this point, there can be no question that great injustice is done to woman by many existing laws, and it is our duty to relieve the statute books of these relics of barbaric ages.

I allude particularly to those laws affecting the rights of property.

For instance: a husband inherits all of his wife's separate personal estate, while she under like circumstances will inherit only one-third of his; the husband can dispose of all his personal estate by will, but she can devise no more than one-half of her separate estate without his consent; a husband's separate deed can convey his real estate, subject only to dower and homestead, without her consent, but her deed conveying her own separate estate without his consent is absolutely void. The wife cannot convey her shares in a corporation, neither can she lease her separate real estate for more than one year, without her husband's consent. No

such restriction attaches to the husband's stock in corporations, or leases of real estate, and while a wife within a specified time may waive the provisions of her husband's will, if it unjustly deprives her of her proper share of his property, yet if she is insane during that period of time, no such waiver can be made, and the unjust will must stand, so that if the death of her husband causes her to lose her reason, she will with it lose her just share of his property also.

There are laws, also, affecting the rights of woman in regard to children, which bear severely upon her in the tenderest relations. The courts have often shielded her of late years in these matters, realizing doubtless that precedent and the usual strict interpretation of laws often bring great injustice to many worthy and suffering mothers, and lasting injury to children. All such injustice and hardship should be eliminated from our laws, and this is peculiarly your function. The laws of a State ought to express the sentiments and opinions of the people, but our statutes now fail to do this in many particulars deeply affecting the rights of woman.

THE LABOR QUESTION.

As the guardians of the public welfare, you are called upon to do everything that legislation can properly effect, to improve the physical, mental and moral condition of your constituents, especially of those whose daily toil contributes so largely to the prosperity of our vast manufacturing interests. To promote this end the Board of Health are actively pursuing their investigations into the sanitary condition of manufactories and the dwellings connected with them.

The Bureau of Labor is also particularly charged to inquire into and secure the enforcement of laws in regard to the schooling of children, and to report on the general condition of the productive industry of the Commonwealth. In the last twenty years, legislation has been wise and efficient in behalf of this important interest, but there is still room for advance, and the time has now come to inquire whether the hours of labor in manufactories, established by law, may not be limited with great advantage to both employers and the employed. Of course, this does not directly affect the question of wages, which cannot properly be determined by legislation. The report of the Bureau of Labor, containing many interesting statistical statements, will soon be laid before you for your information.

COMMERCE.

Representing a section of the Union deeply concerned in everything affecting national interests, you cannot overlook

the present oppressed condition of American commerce. We were gratified last year with the prospect of immediate and efficient action by the general government in its behalf; but, although a very able committee has examined the subject, and reported recommending that steps be taken to this end, yet nothing practical has been done, and we are apparently farther from a satisfactory result than we were a year since. Although this department of industry is conducted by individual enterprise, which should be always encouraged, it is peculiarly of national importance, and essential to a successful competition with other nations in time of peace, and to our own safety in time of war. If there should occur any occasion in which you may legitimately act in this matter, it will, I doubt not, meet your prompt attention.

LENGTH OF SESSIONS.

A sense of public duty, alone, compels me to advert to the importance of bringing your session to an early close. The length of time devoted to legislation the last two or three years, has caused great impatience among the people.

The evils attendant upon long sessions are too apparent to be questioned. If there is no way of remedying the difficulty, except by a radical change in our constitution, then we should hasten to adopt the system in practice in many other States of biennial sessions.

The conviction is prevalent that our General Laws are well settled, and that the constant liability to change, incident to annual sessions half a year in length, is very injurious to business, and wholly unnecessary. Probably a Legislature sitting once in two years would meet all the real wants of the community. Now, there is scarcely time to learn the results of a law before it may be altered or repealed. The cost of yearly sessions is a circumstance not to be disregarded, the expense now reaching annually nearly four hundred thousand dollars. Half of this would be saved to our tax-payers, already too heavily burdened. I leave the matter for your consideration.

NATIONAL AFFAIRS.

The people of this State remember with gratitude and pride that they are a part of that nation which was the first to declare that all men are free and equal. No distinction of color is recognized in our laws, but every man stands before them the peer of his fellow. After nearly a century has elapsed, through much strife, sorrow and tribulation, this dream of the fathers of the Constitution has at length become fixed and enthroned in the hearts of the people.

This generation has done a great work, but they will be faithless to their own history if they pause in their career of mighty endeavor. With unsurpassed means of intercommunication from the Atlantic to the Pacific, speaking the same language, living under the same general laws, with ideas of personal freedom hitherto unknown by any nation on earth, they have opportunities of public and general culture and of social enjoyment opened to them, such as the boldest imagination dared not assert as possible a hundred years ago. That these priceless advantages may never be lost, nor this noble heritage sacrificed to local jealousies and personal ambition, is the work assigned to the present generation. The men who saved the Union understand its value. We shall be recreant to them and to our duty if the government of this nation is allowed to pass into the hands of men who will acknowledge fellowship even, with those who in the very dawn—as they imagine—of returning power, are ready to tear from their resting places the bones of the patriot soldiers to whom the nation owes its life, in order that the traitors may return to the lands which they left, to destroy the nation, and rivet the chains of the slave. When such impious desires shall be no longer cherished, when the graves of our patriot dead shall be left undisturbed, and the voice of scorn shall be no longer heard in our land—but not till then—can the people divide on the minor issues of the hour without fear that a change of rulers will destroy the honor and integrity of the nation, saved at such terrible sacrifices of blood and treasure.

We rejoice in the returning prosperity of that part of our country desolated by war, and we hope the time is not far distant when the spirit of strife shall cease, and when even the remembrance of the conflict shall fade away. Undoubtedly the best interests of the country can be secured and the highest hopes of the people realized only by their having an assured unity.

We are reminded, not only by our own history, but also by the terrible conflict now raging between two of the most enlightened nations of the globe, of the inestimable value of peace. We cannot deprecate too strongly all attempts to arouse amongst us a spirit of hostility towards other nations. The middle classes of the people of Europe look to America as their refuge from tyranny, and as the home of the poor. They were our friends in the darkest days of the rebellion. In Great Britain, even amid the extreme sufferings caused by the continuance of our struggle, they constrained their rulers to observe neutrality, and they in the end will compel

their government to render us the meed of justice. Upon them would fall the horrors of war in any contest with us, and we should be slow to weaken their confidence in our magnanimity, or give to their opponents the long sought opportunity of attaining power, and thus increasing the danger of war by postponing the settlement of the questions in dispute between the two countries.

Senators and Representatives :

You meet under most favorable circumstances, in a State rich with memorials of the past, strong in resources, full of enterprise and blessed with high civilization. The recent census shows a steady advance in her population, in which she compares favorably with the new States of the West. Yours is now the opportunity to extend the application of those principles of government which have given to the Commonwealth enviable renown abroad, and to her citizens at home blessings innumerable.

Let us be faithful to our high trusts, believing in the end we shall meet the approval of our constituents and receive the benediction of Heaven.

SPECIAL MESSAGES.

THE FOLLOWING SPECIAL COMMUNICATIONS WERE MADE BY HIS
EXCELLENCY THE GOVERNOR, TO THE LEGISLATURE,
DURING THE ANNUAL SESSION.

[To the Senate, January 21.]

I have the honor to transmit herewith, for such action as the Legislature may deem proper, a communication from the Hon. Wm. Gray, chairman of the committee "appointed to procure and present to the Commonwealth of Massachusetts a statue of John A. Andrew in marble," informing me that the statue has arrived, and that it will soon be placed in position in the Doric Hall, as designated by the Resolve passed by the Legislature of the year 1868.

[To the Senate, February 7.]

In compliance with the Order adopted by the Senate, January 16, 1871, I have the honor to transmit herewith copies of the decrees which have been issued by the Supreme Judicial Court, in relation to the Boston, Hartford and Erie Railroad Company.

[To the Senate, February 27.]

I have the honor to transmit herewith, for the information and consideration of the Legislature, the Annual Report of the Adjutant-General of the Commonwealth; and a communication from the Trustees of the Antietam National Cemetery.

[To the Senate, March 7.]

In compliance with an Order adopted by the Legislature, I have the honor to transmit herewith the Report of the Commissioners appointed under chapter 51 of the Resolves of 1870, in relation to disabled soldiers.

[To the Senate, March 9.]

In compliance with an Order adopted by the Legislature, I have the honor to transmit herewith a copy of the Report of the State Liquor Commissioner for the year 1870.

[To the Senate, March 20.]

I have the honor to transmit herewith, for the consideration of the Legislature, a communication from Admiral Shu-

brick, Chairman of the Lighthouse Board, asking for the passage of a general Act concerning the purchase of land by the United States for lighthouse purposes, and respectfully request that the subject may receive early attention.

[To the Senate, March 28.]

I return herewith, without my approval, the bill entitled "An Act to authorize William H. Swift and Lemuel M. Brock to construct a wharf in Nahant." The parties to whom the grant is made are not residents of Nahant, and own no property there. They leased about an acre of land at Bass Point, but the lessors had no knowledge of their intention to construct a wharf, and when the application for a license was made to the Legislature they strenuously opposed the grant. The people of the town by a very large majority instructed the selectmen to protest against the application, and every householder is opposed to it.

There seems to be no public demand for any such structure, and the proposed landing is not for the benefit of the people of Nahant and is not asked for by them. No road nor public street leads to the piece of land in question and none is demanded by the public convenience. In a single instance only has the State made a grant of this character to parties holding an estate by lease, and then there was no protest from owners of the soil. It would seem to be an unwise precedent to give to lessees of small pieces of territory bordering on the ocean, licenses for the construction of wharves against the protest of the owner in fee and the inhabitants in the neighborhood. A grant of this kind should be for the public good, or, at least, not to the detriment of the neighbors of the grantees.

For these reasons I have withheld my assent to the bill and return it to the branch in which it originated, for reconsideration.

[To the Senate, April 1.]

In compliance with an Order of the date of March 30th, 1871, requesting that a copy of a communication from Edward S. Philbrick, Consulting Engineer, upon the building of a railroad at North Adams, be furnished the Senate, I have the honor herewith to transmit the same for the information of that body.

[To the Senate, May 10.]

In compliance with the Order adopted by the Legislature, I have the honor to transmit herewith copies of the Reports of James Laurie, late Consulting Engineer on the Hoosac Tunnel.

[To the Senate, May 20.]

I have the honor to transmit herewith a communication from the Attorney-General, with a letter from Rev. Dr. George E. Ellis, the chairman of the committee appointed by the Massachusetts Historical Society, to represent it in the existing controversy between the society and Commonwealth, concerning the Hutchinson Papers, so called; and respectfully recommend that the Attorney-General be authorized to adjust the controversy on these terms, namely: that the society will surrender to the Commonwealth all the documents called Hutchinson Papers received by the society from Secretary Bradford, the same to be identified by an arbitrator mutually selected, in case they cannot be otherwise agreed upon.

[To the House of Representatives, May 25.]

I deem it my duty to again call your attention to the importance of redeeming the property mortgaged by the Boston, Hartford and Erie Railroad Company to the Boston Wharf Company, to secure the payment of twelve hundred thousand dollars, on which the Commonwealth has a second mortgage, given by the Boston, Hartford and Erie Railroad Company as security in part for the loan made by the State to that corporation.

By an agreement with the Commonwealth, the Boston Wharf Company engaged to give the State nine months' notice before selling the property under foreclosure of mortgage. The Boston Wharf Company gave that notice on the 18th of last November. If the Legislature adjourns without making provision for the redemption of the property the foreclosure of the Boston Wharf Company will be complete, and this large and valuable tract of filled land and flats will revert to the mortgagees.

The whole area amounts to nearly two million feet of land, of which more than 609,000 feet are already filled, and much of it used by the Boston, Hartford and Erie Railroad Company.

The property covered by the mortgage to the Boston Wharf Company lies on the east side of Fort Point Channel, and only about one thousand feet distant from that part of Boston which is rapidly increasing in importance to the business public. The Commonwealth owns six or seven hundred acres of flats lying to the eastward of this tract, which, if properly developed, will very soon be wanted for public and private uses. The redemption of the land mortgaged to the Boston Wharf Company will give the State ac-

cess to the city for all its territory by the extension of Eastern Avenue, which, it is believed, the city will be ready to lay out on favorable terms, as another route will thus be opened to South Boston, a part of the city now growing very rapidly.

While it would not be wise for the State to purchase lands on speculation, it is a far different matter when they come into its possession as a security for loans made by the Commonwealth. This second mortgage covers all loans made to the Boston, Hartford and Erie Railroad Company, and the property cannot be redeemed except by the State. The Boston Wharf Company have signified their readiness to concede a considerable part of the amount due them on the mortgage. The affairs of the Boston, Hartford and Erie Railroad Company are being rapidly adjusted, and there is every reason to hope that a new corporation will very soon be formed, which will put that great enterprise on a substantial foundation. Much of this land will be needed for the uses of this railroad, and the State, having a large interest in the corporation, should save as far as possible such property as is absolutely essential to its wants and the convenience of the public. It also seems to me very plain that the possession of this territory by the Commonwealth will add greatly to the value and the safety of the security it now holds for the Boston, Hartford and Erie Railroad loan, and if the present opportunity to gain possession of this property is lost it may never occur again.

It is the opinion of persons well informed as to the value of real estate that there can be little or no loss to the State in any event by the redemption of the property; while on the contrary, all concede that a very large sum may be ultimately realized beyond its cost. For many years the State has been unable to utilize its lands lying east of these premises, as no arrangement could be made with the owners by which Eastern Avenue could be opened.

The full possession of this land will remove all obstacles to the improvement of the South Boston flats. The filled lands can be sold, so far as they are not needed for the Boston, Hartford and Erie Railroad Company, and the flats, it is believed, will soon find purchasers. The State has realized a large amount from the sale of its lands in the west part of the city. It has also sold four hundred and thirty-five thousand dollars' worth of flats, adjoining this territory, to the Boston and Albany Railroad Company. Surely, with this experience, the Legislature may venture to use the credit of the State in the redemption of substantial real

estate pledged to it as security for loans and needed for the improvement of the city and harbor of Boston. The city is spending large sums of money to widen its streets and thoroughfares to accommodate the pressing demands of the mercantile community. When opportunity offers the State should not hesitate to aid every enterprise which tends to promote the convenience of the people of the city and give them increased facilities for the transaction of business.

I leave the matter for your action, hoping that you will think it wise to give authority to redeem the property and make the necessary appropriation therefor.

[To the Senate, May 31.]

I return herewith, without my approval, "the bill in relation to alien passengers arriving in regular lines of communication," and indicate my objections thereto.

The bill, upon a fair estimate of expected immigration, withdraws from the treasury the annual sum of from twenty to thirty thousand dollars, without reducing the fares of emigrants to the ports of this State or otherwise contributing to their benefit. The treasury can ill spare this diminution of revenues without being supplied from other sources. The Auditor's estimate, in his annual report of receipts from this source, was \$30,000, and upon that basis the State tax has been laid. No provision has been made to supply the deficiency which the proposed change would make during the residue of the year. The special grants have also considerably exceeded the estimates which determined the amount of the State tax. It may be stated that the refunding Act of last year effected a withdrawal of over twenty thousand dollars from the treasury, and the withdrawal effected by the bill is in addition thereto.

The bill is, by its terms, partial and unequal in its operation and for the exclusive benefit of regular lines of transportation, without giving the same advantage to other carriers, landing more or less passengers and entitled to equal privileges. It thus puts upon our laws an invidious and unwarrantable discrimination, for which there is no apparent necessity, and no semblance of justice. It is difficult to see why parties, not conducting regular lines, should be compelled to bear charges from which the regular lines, generally more able to bear them, are to be exempted. The regular lines are certainly an important part of our commerce, and deserve generous coöperation, but public policy does not admit of according to them peculiar privileges and subsidies.

The bill, while it increases the net profits of foreign transportation companies at a corresponding loss to the Commonwealth, and without involving any reduction in the fares of emigrants, will greatly inconvenience them on their arrival at the port of Boston by obstructing their debarkation. Instead of passing quickly from the vessel on their way to their places of destination, considerable time must be consumed in inquiries necessary to establish their identification in any subsequent suit upon the general bond to be given, thus detaining them, where a steamship is well laden with passengers, the better part of a day for an examination and descriptive record, whereas less than two hours are consumed under existing laws. If the State is to be indemnified hereafter by a general bond instead of a fund in hand, it must have upon record an accurate and complete description; and experience has shown that it cannot rely for this upon the schedule furnished by the companies, but must supplement their statement with inquiries and records of its own. For this delay of the emigrants they are not compensated or relieved by any reduction of fares or other advantage. Their fares are based, by a combination of transportation companies, upon the cost of bringing them to New York, including, with other items, the head-money paid at that port; and their fares to the port of Boston are made the same, even though a shorter distance is traversed. The companies do not propose, in consideration of the exemptions asked for, to charge them less for a passage to Boston than to New York, or to repay them a like amount on their arrival at this port. The Act of the last session, refunding the head-money to the carriers in the case of alien passengers leaving the State within forty-eight hours, effected no comparative reduction of fares in favor of Boston, or any reduction at all, or any repayment of the refunded amount to the emigrant himself. The result is, that while the head-money continues to be collected at New York, the emigrant will pay it as a part of his passage money to this port, equal fare being charged to both ports, and will, if the bill becomes a law, be subjected, together with perhaps the additional charge of an inspection fee, to the further discomforts and delays of a particular examination and record, from which at the ports of this State he has hitherto been happily exempt.

The bill substitutes for the present method of securing the Commonwealth, one more uncertain and expensive. A fund is provided by the existing law from which the expense of supporting emigrants who become public charges is paid; but the bill remits the Commonwealth solely, where the car-

rier elects to give it, to a suit upon a bond, the enforcement of which is likely to involve litigation, more or less prolonged, with difficult questions of identification, and this against sureties who are not required to be residents of the Commonwealth. It has not been found heretofore that such bonds provide any substantial security, and our own experience is confirmed by that of other States.

The bill gives the power, without restriction, to the owners of the steamships and other vessels belonging to the regular lines, or their authorized agent, to terminate their liability for the subsequent expenses of an alien passenger, incurred after notice, who has become a public charge, by conveying him at their own expense to the port from which they brought him. Though he may have lived among us many years and all his kindred may be resident here, the owners cannot be required to pay the expense of his support here if they choose otherwise; and they have impliedly the power to transport him beyond the seas, even though every consideration of humanity forbids his removal. If a qualified power of removal may be properly intrusted to certain public officers acting under a sense of official responsibility, an unrestricted power, of a kind liable to great abuse, ought not to be extended to private parties who have no such responsibility and are resident abroad.

The specific objections to the bill are not likely to be compensated by any general benefit to the community. There is no reasonable prospect that it will attract immigration to the country or divert it from the ports of other States to our own. The refunding Act, passed at the last session of the Legislature, was expected by its promoters to increase the numbers arriving at this port; but during the twelve months of its operation they have been less by over four thousand than during the corresponding period preceding its enactment. Nor can this decrease be accounted for by the war between France and Germany; for during the operation of the refunding Act the emigration from the Continent of Europe has but slightly decreased, while the main decrease has been in the arrivals from Great Britain and her North American Provinces, which were unaffected by the war. The refunding provision, which was first enacted in 1853 and then repealed in 1865, had likewise no effect in that first period of its operation in increasing immigration, as appears by the official statistics, and was therefore repealed. If the modification last year of the then existing system did not have the promised effect, there is no reason to suppose that further legislation in the same direction will realize the expected

advantage. Immigration does not appear to be determined by such provisions, but by the higher considerations which make a permanent residence in one country more desirable than in another.

It is claimed for the bill that it will promote the commerce of Boston. It is difficult to see how it can produce this result to any appreciable extent. The most that it can do is to distribute among the different carriers the amount of head-money to be remitted. This is too small an item in the aggregate of receipts to attract vessels or lines of transportation to this port which would not otherwise make it their terminus, particularly where the company lades with freight as well as passengers, and makes the port of New York a terminus as well as this. When the refunding Act of the last session was passed, the assurance was given that the measure would keep the Inman line at this port; but it was discontinued before the close of the year for want, it is understood, of sufficient patronage in the way of freight. During the discussions which followed the withdrawal of the Cunard line in 1867 and the public-spirited efforts of our merchants at a later date to establish an American line of steamships running between the ports of Boston and Liverpool, it was not suggested that the head-money interfered with our mercantile interests, but the want of adequate freight was the controlling consideration urged. If there had been any substantial interference of the head-money with the desired object, it would not have been likely to have escaped the attention of the parties interested or of the public generally. It should be the pride and duty of the State to encourage and protect, as far as may be, the commerce of our first city, but the pending bill does not appear to have any direct relation to it.

The present laws in relation to alien passengers are, in their essential features, of long standing in this Commonwealth. Twenty years ago, after a decision of the supreme court of the United States, they were put substantially in their present shape. They have been approved by able lawyers, and have passed unquestioned in our courts, State and national; and those courts are still open to all suitors who desire to contest them. By the Acts of 1852 and 1854 the sum of six thousand dollars is reserved from the fund derived from this source to constitute a sinking fund for the redemption of the scrip issued for the building and furnishing of the State almshouses. Other seaboard States have similar legislation. While the law of this State allows the bond to be commuted by the payment of two dollars, that of the State of

New York has required two dollars and a half. The State of New York, which has no refunding provision, has recently reduced the commutation charge to a dollar and fifty cents; while our own, by the operation of the refunding Act, has been practically reduced on an average to one dollar for each European passenger. Bills presented in Congress with the view of uniform legislation have proposed similar charges.

It is claimed that the law as it stands, requiring of the company either a bond or the commutation money on account of all passengers, is unjust to emigrants, inasmuch as the money is often paid on account of such as never prove a public charge. But the inequality suggested is rather fancied than real. A bond or the money instead is required on account of all, because it cannot be determined in advance who may become paupers. They can all rely upon public provision in case of need, just as all passengers paying equal fare may, whether falling sick or not, rely during the voyage on the surgeon's care and medical supplies of the ship. The system does not appear to be in this respect unequal or exceptional. As far as known, the emigrants themselves have not complained of it or asked for its discontinuance. And I shall be slow to believe that our Commonwealth has, during a great part of her history, been practising systematic injustice on persons of foreign nativity, who have sought her jurisdiction in order to better their condition and to enjoy the blessings of liberty. I am unable to find that such injustice has been visited upon emigrants, who have ever met with a generous welcome from us, who have found abundant relief in our private as well as public charities, and who, in consequence of the unequal laws and unjust social arrangements of the countries of their birth, have required, without fault of their own, a much larger proportion of aid than others of our citizens. The laws concerning alien passengers may from time to time need revision, but I am constrained to regard the present bill as injuriously affecting the finances and security of the State, without realizing a beneficent change in favor of the emigrant himself.

CHANGE OF NAMES.

CHANGE OF NAMES OF PERSONS.

[In compliance with the 14th section of the 110th chapter of the General Statutes, returns of the following Changes of Names have been received at the Department of the Secretary of the Commonwealth, as decreed by the several Judges of the Probate Courts, in their respective Counties.]

SUFFOLK COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1870.			
January 10, . . .	Edith Badger Kennedy,*	Gertrude Goddard Davis,	Boston.
“ 17, . . .	Perey Elizabeth Scarborough,*	Perey Scarborough Thaxter,	Brooklyn, Conn.
“ 31, . . .	Ella Frances Caine,*	Ella Frances Haven,	Quincy.
“ 31, . . .	Charles Homer Lengille,*	Charles Howard Wood,	Nova Scotia.
“ 31, . . .	Sarah Jane McLearn,*	Daisy Rebecca Jones,	Rawdon, N. S.
February 7, . . .	Mabel Forrest,*	Mabel Forrest Peck,	Boston.
“ 21, . . .	Frank Hartley Turner,*	Franklin Henry Walker,	Boston.
March 7, . . .	Anna Freeland,	Anna Freeland Robinson,	Boston.
“ 21, . . .	Martin Atwood Burbank,	John Burbank Smith,	Chelsea.
“ 21, . . .	Peter Schmidt,*	Charles Fries,	Wilkesbarre, Pa.
April 11, . . .	Emma Frances Bray,*	Emma Frances Coleman,	Gloucester.

May 2, . . .	Harriet Cordelia Tuttle, . . .	Harriet Cordelia Hawley, . . .	Boston.
" 9, . . .	Albert Warren Murphy, . . .	Albert Warren, . . .	Boston.
" 9, . . .	Elizabeth Wentworth Thompson, . . .	Elizabeth Wentworth Stevens, . . .	Boston.
" 23, . . .	Frank Martin,* . . .	Frank Martin Scott, . . .	Brooklyn, N. Y.
June 13, . . .	August W. Frenzel,* . . .	Wilfred August French, . . .	Boston.
23 August 1, . . .	Sarah Erving Hudson,* . . .	Sarah Hudson Murray, . . .	Boston.
" 8, . . .	Mary Ellen Thayer,* . . .	Mary Ellen Vale, . . .	Boston.
" 29, . . .	Charles Orville Gibson, . . .	Charles David Page Gibson, . . .	Boston.
September 5, . . .	Nellie Laura Gerrit,* . . .	Nellie Laura Bennie, . . .	Arlington.
" 12, . . .	Jennie Frances Barr,* . . .	Jennie Frances Gallagher, . . .	Boston.
" 26, . . .	Mary Tinker,* . . .	Mary Josephine Whitmore, . . .	Burrillville, R. I.
October 10, . . .	Maria O'Byrne,* . . .	Fannie Augusta Blake, . . .	Boston.
" 24, . . .	Flora Stewart,* . . .	Lucy Flora Dieterich, . . .	Lowell.
December 19, . . .	William McGowen,* . . .	Robert William Hogg, . . .	New York City.
" 19, . . .	Gracie McGowen,* . . .	Jessie Ingalls Hogg, . . .	New York City.

ESSEX COUNTY.

February 1, . . .	Pyam L. Johnson, . . .	Frank L. Johnson, . . .	Lynn.
" 1, . . .	Ellen E. Mitchell, . . .	Ellen E. Burns, . . .	Lynn.

* Minors : names changed by reason of adoption.

ESSEX COUNTY — *Concluded.*

Date of Decree.	Original Name.	Name Decreed.	Residence.
1870.			
March 19, .	Mary Herrigan, .	Emma Frances Hanson, .	Unknown.
April 5, .	Laura Wilkins Toohey, .	Laura Wilkins, .	Salem.
" 5, .	Wendell Phillips Toohey,	Wendell Phillips Wilkins,	Salem.
" 5, .	Ellen Wilkins Toohey, .	Ellen Wilkins, .	Salem.
" 5, .	Mary Jane Parshley, .	Elizabeth Knight Cloutman,	Salem.
June 7, .	James William Colwell, .	Henry Weston Pierce, .	Boston.
" 7, .	Hermion Goodrich, .	Hermion H. Campbell, .	Boston.
" 7, .	George A. Lefavour, .	Ralph A. Hussey, .	Beverly.
" 7, .	Phebe Ann Maxner, .	Phebe Ann Nason, .	Lunenburg, N. S.
" 14, .	Caroline Olive Staples, .	Caroline Olive Coolidge, .	Lawrence.
" 14, .	Anna Morse Webster, .	Anna Morse Bailey, .	Lawrence.
" 23, .	Lizzie Blanchard, .	Lizzie Ruth Porter, .	Danvers.
July 5, .	John Edson, .	Lyman Howe Perley, .	Ipswich.
" 19, .	Susie W. Ross, .	Susie W. Baker, .	Newburyport.
August 2, .	Thomas Batchelder Simonds,	Thomas Stanley Simonds,	Beverly.
" 2, .	Charles Saunders Turpin,	Charles Turpin Smith, .	Gloucester.
September 6, .	Leon De Gardonez Rideout, .	Leon Rideout, .	Lynn.

October 4, . . .	Martha A. Doe, . . .	Martha A. Gray, . . .	Rockport.
" 4, . . .	Alice Elizabeth Johnson, . . .	Alice Elizabeth Johnson Robinson, . . .	Lynn.
" 18, . . .	Frances E. Bayley, . . .	Frances E. Goodwin, . . .	Newburyport.
November 15, . . .	Angennetta Sargent, . . .	Nettie Medbury, . . .	Lynn.
" 15, . . .	Caroline P. Tebbetts (wife of Hall W. Tebbetts), . . .	Kate P. Tebbetts, . . .	Lynn.
December 13, . . .	Ida May Dresser, . . .	Ida May Morse, . . .	Haverhill.
M I D D L E S E X C O U N T Y.			
January 4, . . .	Hiram McKinnon,* . . .	Clarence Stanley Elder, . . .	Chelmsford.
" 25, . . .	George Dana Winch, . . .	George Dana Mansfield, . . .	Marlborough.
February 1, . . .	Harriett Estes,* . . .	Viola Greenwood Marston, . . .	Cambridge.
" 8, . . .	Emma Louise Pratt,* . . .	Emma Louise Tyler, . . .	Newton.
" 8, . . .	Rena Sherwood Pratt,* . . .	Rena Sherwood Tyler, . . .	Newton.
March 1, . . .	Patrick Foley,* . . .	Patrick Gillon, . . .	Cambridge.
" 22, . . .	Ira Franklin Johnson,* . . .	Ira Franklin Mason, . . .	Malden.
" 8, . . .	Philip Badger,* . . .	Frederic Watson Badger, . . .	Lowell.
April 5, . . .	Mary Stephenson Washburn, . . .	Mary Stephen Breed, . . .	Medford.
" 26, . . .	Flora Ella Chapman,* . . .	Flora Ella Bond, . . .	Shirley.

* Minors: names changed by reason of adoption.

MIDDLESEX COUNTY—*Concluded.*

Date of Decree.	Original Name.	Name Decreed.	Residence.
1870.			
May 3, . . .	Mary Alice Morris,*	Mary Alice Gragg, .	Bedford.
" 10, . . .	Hattie Wallace,*	Helen Elizabeth Almy, .	Somerville.
" 24, . . .	Ella Frances Smyth,*	Florence May Hamlin, .	Cambridge.
June 7, . . .	Mary Elizabeth Carver,*	Martha Bigley Rider, .	Cambridge.
" 7, . . .	Mary Elvira Catlin,*	Mary Elvira Marrett, .	Cambridge.
" 14, . . .	Georgianna Wilson,*	Elma Florence Gilson, .	Pepperell.
" 14, . . .	Horatio N. Williams, Jr.,	Horace Percy Howard, .	Everett.
" 28, . . .	Minnie Delong,*	Minnie Whitcomb Hartwell,	Littleton.
July 19, . . .	Mary Kelly,*	Mary Deede, . . .	Charlestown.
September 6, . . .	Abraham Paul Belmore,*	Abraham Paul, . . .	Marlborough.
" 6, . . .	Mary Lizzie King,*	Mary Lizzie Caban, .	Charlestown.
" 13, . . .	Minnie Edna Spiller,*	Minnie Edner Thumme, .	Natick.
" 13, . . .	Sarah Elizabeth Fletcher,*	Sarah Elizabeth Ingles, .	Littleton.
" 13, . . .	Herbert Norton Oliver, .	Herbert Fairfield Oliver,	Wakefield.
" 27, . . .	Laura Louise Morse,*	Laura Louise Hall, . .	Lowell.
October 4, . . .	Frank Everett White,*	Frank Everett Turner, .	Lowell.
November 1, . . .	Alice Putnam,*	Cora Alice Fisher, . .	Woburn.

November 8,	George Henry Butterworth,*	George Henry Scott,	Lowell.
" 8,	Margaret Moynihan,*	Margaret Devine,	Sudbury.
" 8,	William Henry Madden,	William Henry Marden,	Stonham.
" 1,	Abbie Bright Fisk,	Abbie Bright Tufts,	Charlestown.
December 13,	Anna Drew Smith,*	Ella Swett Philpot,	Wakefield.
" 27,	Alice Durant,*	Alice Bartlett,	Winchester.
" 27,	Fred William McMaster,	Fred William Masters,	Watertown.
" 27,	Adelaide A. Wentworth,	Adelaide A. Byrns,	Somerville.

WORCESTER COUNTY.

February 1,	Kate Morris,	Gertrude Bailey Whipple,	Worcester.
" 1,	Ida D. M. Gates,	Ida Gates Burnham,	Bolton.
" 15,	Frederick J. Hare,	Frederick J. Kendall,	Phillipston.
March 1,	Frederick A. J. Higgins,	Frederick A. J. Richardson,	Worcester.
April 5,	Lura Estelle Wight,	Lura Wight Nelson,	Upton.
" 5,	Jane Maria Thompson,	Jane Della Burt,	Northbridge.
" 19,	Lizzie Dahlman,	Lizzie Doyle,	Worcester.
May 3,	Mary McGrath,	Mary Elizabeth Hyde,	Worcester.
" 3,	Frances A. O'Brine,	Frances A. Bryant,	Paxton.

* Minors: names changed by reason of adoption.

WORCESTER COUNTY—*Concluded.*

Date of Decree.	Original Name.	Name Decreed.	Residence.
1870.			
June 7, . . .	Frederick Herbert Connor, . . .	Frederick Herbert Leary, . . .	Rutland.
" 21, . . .	George Ford Foskett, . . .	George Orville Forde, . . .	Gardner.
September 6, . . .	Michael Carney, . . .	Henry Carlton, . . .	Worcester.
" 6, . . .	Mary L. Carney, . . .	Mary L. Carlton, . . .	Worcester.
" 20, . . .	Eliza Melinda White, . . .	Lizzie Jennie Brigham, . . .	Grafton.
October 5, . . .	Elmire St. Cyr, . . .	Almira Defoe, . . .	Shrewsbury.
" 5, . . .	Nazè St. Cyr, . . .	Charles Defoe, . . .	Shrewsbury.
November 15, . . .	Fred Winn, . . .	Fred Winn Parker, . . .	Worcester.
" 15, . . .	Myron Edson Newell, . . .	Myron Newell Ayers, . . .	Petersham.
December 20, . . .	Emeline Howe, . . .	Emeline Bardwell, . . .	Southbridge.

HAMPSHIRE COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
January 4, . . .	Herbert S. King,* . . .	Herbert S. Ring, . . .	Huntington.
March 8, . . .	Foundling, no name,* . . .	Charles Frederick Peck, . . .	Hatfield.
April 5, . . .	Walter Frederick Winslow,* . . .	Frederick Eugene Beston, . . .	Enfield.
May 3, . . .	Francis S. Pike, . . .	Francis S. Thayer, . . .	Amherst.

May 21, . . .	Elizabeth Pursey,* . . .	. . .	Mary Louisa Baker, . . .	. . .	Amherst.
October 11, . . .	Edna Gibbs,* . . .	. . .	Edna Elizabeth Snow, . . .	. . .	Enfield.
November 1, . . .	Fanny Harthorn,* . . .	. . .	Fanny Agnes Russell, . . .	. . .	Hatfield.
December 15, . . .	Bridget Ryan,* . . .	. . .	Catherine Bridget Kearns, . . .	. . .	Easthampton.

HAMPDEN COUNTY.

February 1, . . .	John M. McKennon,* . . .	. . .	John Cochrane, . . .	. . .	Holyoke.
May 3, . . .	Samuel Judson Whaley, . . .	. . .	Judson William Avery, . . .	. . .	Holyoke.
September 6, . . .	Thomas Crane, . . .	. . .	Thomas Wallace, . . .	. . .	Westfield.
" 6, . . .	Mary McMaster,* . . .	. . .	Mary McMaster Spencer, . . .	. . .	Chicopee.
December 6, . . .	Caroline M. Kellogg, . . .	. . .	Caroline M. Fisk, . . .	. . .	Westfield.

FRANKLIN COUNTY.

February 1, . . .	Cincinnatus Shepardson, . . .	. . .	Edmund Cincinnatus Shepardson, . . .	. . .	Orange.
" 9, . . .	Freddie C. Hitchcock,* . . .	. . .	Freddie Converse Allen, . . .	. . .	Buckland.
April 5, . . .	Sarah Lucretia Ward, . . .	. . .	Emma Tyler Ward, . . .	. . .	Greenfield.
May 24, . . .	Nettie Gertrude Field,* . . .	. . .	Nettie Lemira Goodwin, . . .	. . .	Ashfield.
" 24, . . .	William Ellery,* . . .	. . .	Lutie Lucien Purinton, . . .	. . .	Buckland.

* Minors: names changed by reason of adoption.

FRANKLIN COUNTY—*Concluded.*

Date of Decree.	Original Name.	Name Decreed.	Residence.
1870.			
June 7, . . .	Emma (founding, name unknown),*	Emma Field Smith, .	Sunderland.
September 7, . . .	Jessie Flora Damon,*	Laura Flora Morton, .	Whately.
October 4, . . .	Hattie Maria Sawyer,*	Hattie Maria Starkey, .	Orange.
December 6, . . .	Mary Ellen Winslow,*	Mary Ellen Smith, .	Sunderland.
" 6, . . .	Harriet Robinson,*	Harriet Robinson Migrath,	Greenfield.
" 6, . . .	Julia A. Stearns,*	Julia A. Webster, . . .	Northfield.
" 6, . . .	Edith Gertrude Hubbard,*	Gertrude Hubbard Smead,	Shelburne.
" 13, . . .	Charles Levere Hall,*	Charles Henry Haskell, .	Wendell.

BERKSHIRE COUNTY.

April 8, . . .	James T. Curry,*	Charles Lorin Temple, .	Adams.
May 3, . . .	Mary Lizzie Hart, .	Mary Lizzie Pratt, . .	Lanesborough.
June 7, . . .	Achsah B. Searl, . .	Achsah B. Clark, . . .	Adams.
July 21, . . .	Grove Van Horn,* . .	Grove Crocker, . . .	West Stockbridge.
" 21, . . .	David Henry Penlony,*	David Henry Wager, . .	Adams.
October 6, . . .	Mary Frances Laupman,*	Mary Frances Connolly, .	Adams.
" 6, . . .	Lewis Everett Jobin,*	Lewis Everett Goodell, .	Adams.

NORFOLK COUNTY.

January 4, .	John Hair,	John I. Kemp,	Quincy.
March 1, .	Edwena J. Sturtevant,	Josephine Wales,	Randolph.
April 5, .	John Hawley,	John Lyons,	Medway.
May 3, .	Adolphus P. Raymond,	Adolphus P. Pool,	Weymouth.
" 3, .	Amie Ann McCannab,	Amie Ann Allen,	Wrentham.

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BRISTOL COUNTY.

January 7, .	Frances Everett Warren,	Frances Everett Pope,	Fall River.
" 7, .	Lydia Jane Alden,	Annie Millard,	Fall River.
March 6, .	Nameless child,	Helen Worthing Tripp,	New Bedford.
April 15, .	Flora F. Walker,	Flora F. Mason,	Taunton.
May 6, .	Robert Wood,	Robert Castle,	New Bedford.
" 6, .	Joseph C. Valdans,	William C. Murray,	New Bedford.
October 7, .	Edwin G. Kay,	Edwin G. Davol,	Fall River.
November 18, .	Alice Louisa Sherman,	Alice Louisa Hack,	Taunton.

* Minors : names changed by reason of adoption.

PLYMOUTH COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1870.			
January 10, . . .	Alice Isabel Boyd,* . . .	Carrie Elizabeth Barrell, . . .	Abington.
" 24, . . .	Mary Frances Walker,* . . .	Mary Frances Poole, . . .	Plymouth.
February 14, . . .	Addie Pettingail,* . . .	Addie Antoinette Upman Brett, . . .	Bridgewater.
April 11, . . .	Elizabeth Frances Hayden,* . . .	Elizabeth Frances Clark, . . .	East Bridgewater.
" 11, . . .	Isabella Meehan,* . . .	Isabella Sheldon, . . .	Duxbury.
" 11, . . .	Samuel W. Meehan,* . . .	Samuel W. Sheldon, . . .	Duxbury.
May 9, . . .	Mary R. Marshall,* . . .	Mary R. Lincoln, . . .	Middleborough.
" 9, . . .	Leila M. Marshall,* . . .	Leila M. Lincoln, . . .	Middleborough.
June 13, . . .	Carrie Elizabeth Cudworth,* . . .	Carrie Josephine Nickerson, . . .	Rochester.
October 17, . . .	Clara S. Jones,* . . .	Clara S. Packard, . . .	No. Bridgewater.

DUKES COUNTY.

January 6,	.	Mary E. Skidmore,*	.	.	Fanny A. Lewis,	.	.	.	Tisbury.
September 5,	.	Martha A. M. Bell,*	.	.	Annie L. Thomas,	.	.	.	Tisbury.
October 17,	.	Sarah Edith Hatch,*	.	.	Ava J. S. Athearn,	.	.	.	Tisbury.

* Minors: names changed by reason of adoption.

No application for change of name has been made to the Judges of Probate for the Counties of Barnstable and Nantucket.

THE
CIVIL GOVERNMENT

OF THE

Commonwealth of Massachusetts,

AND OFFICERS IMMEDIATELY CONNECTED THEREWITH,
FOR THE POLITICAL YEAR

1871.

EXECUTIVE DEPARTMENT.

HIS EXCELLENCY
WILLIAM CLAFLIN,
GOVERNOR.

CHARLES H. TAYLOR, *Private Secretary.*

HIS HONOR
JOSEPH TUCKER,
LIEUTENANT-GOVERNOR.

COUNCIL—(BY DISTRICTS.)

I.—MARSHALL S. UNDERWOOD.	V.—JOHN F. HARRIS.
II.—WILLIAM L. REED.	VI.—JONATHAN B. WINN.
III.—HENRY G. CROWELL.	VII.—ELIJAH B. STODDARD.
IV.—JONAS FITCH.	VIII.—SYLVANDER JOHNSON.

OLIVER WARNER,

SECRETARY OF THE COMMONWEALTH.

CHARLES W. LOVETT, *1st Clerk.* BENJAMIN C. PIPER, *2d Clerk.*

CHARLES ADAMS, JR.,

TREASURER AND RECEIVER-GENERAL.

DANIEL H. ROGERS, *1st Clerk.* ARTEMAS HARMON, *2d Clerk.*

CHARLES ENDICOTT,

AUDITOR.

EDWARD S. DAVIS, *1st Clerk.* AUGUSTUS BROWN, *2d Clerk.*

CHARLES ALLEN,

ATTORNEY-GENERAL.

JAMES C. DAVIS, *Assistant Attorney-General.*

LEGISLATIVE DEPARTMENT.

GENERAL COURT:

ARRANGED IN ACCORDANCE WITH THE DISTRICT REVISION OF 1866.

SENATE.

President—HORACE H. COOLIDGE.

District.	Name of Senator.	Residence.
First Suffolk, . .	Rufus S. Frost, . . .	Chelsea.
Second " . .	Alonzo W. Boardman, .	Boston.
Third " . .	William D. Park, . . .	Boston.
Fourth " . .	Horace H. Coolidge, . .	Boston.
Fifth " . .	James A. Fox, . . .	Boston.
Sixth " . .	Patrick A. Collins, . .	Boston.
First Essex, . .	William H. Caswell, . .	Marblehead.
Second " . .	Daniel E. Safford, . .	Hamilton.
Third " . .	N. S. Kimball, . . .	Haverhill.
Fourth " . .	Orlando B. Tenney, . .	Georgetown.
Fifth " . .	Frederick Willcomb, . .	Ipswich.
First Middlesex, .	William B. Long, . . .	Charlestown.
Second " . .	James Pierce, . . .	Malden.
Third " . .	Estes Howe, . . .	Cambridge.
Fourth " . .	James W. Clark, . . .	Framingham.
Fifth " . .	John Fletcher, Jr, . .	Acton.

District.	Name of Senator.	Residence.
Sixth Middlesex, .	George P. Elliot, . . .	Billerica.
Seventh " .	George F. Richardson, . .	Lowell.
First Worcester, .	Adin Thayer, . . .	Worcester.
Second " .	J. H. Wood, . . .	Grafton.
Third " .	A. J. Bartholomew, . .	Southbridge.
Fourth " .	Baxter D. Whitney, . .	Winchendon.
Fifth " .	Henry C. Greeley, . .	Clinton.
First Hampden, .	Timothy F. Packard, . .	Monson.
Second " . .	George M. Stearns, . .	Chicopee.
Hampshire, . .	Stephen M. Crosby, . .	Williamsburg.
Franklin, . . .	Andrew J. Clark, . .	Orange.
Berkshire, . . .	Richard Goodman, . .	Lenox.
Berksh'e & Hampshire,	Shepard Thayer, .	Adams.
First Norfolk, . .	George H. Monroe, . .	Boston.
Second " . .	T. L. Wakefield, . .	Dedham.
Third " . .	F. W. Bird, . . .	Walpole.
First Plymouth, .	James G. Sproat, . .	Wareham.
Second " . .	Jacob Bates, . . .	East Bridgewater.
* Norfolk & Plymouth, .	Amasa Whiting, . .	Hingham.
First Bristol, . .	Stephen H. Rhodes, . .	Taunton.
Second " . .	John A. Hawes, . . .	Fairhaven.
Third " . .	Charles P. Stickney, . .	Fall River.
Cape, . . .	Nathaniel E. Atwood, .	Provincetown.
Island, . . .	Charles Bradley, . .	Tisbury.

STEPHEN N. GIFFORD, *Clerk.*S. W. FOLJAMBE, *Chaplain.*JOHN MORISSEY, *Sergeant-at-Arms.*

HOUSE OF REPRESENTATIVES.

Speaker—HARVEY JEWELL.

COUNTY OF SUFFOLK.

District.	Ward.	Name of Representative.	Residence.
1st,	Boston, Ward 1,	{ Henry S. Washburn, . Edward Pearl, . Luther A. Wright, .	Boston. Boston. Boston.
2d,	Boston, Ward 2,	{ Michael Carney, . James O. Fallon, . John Drynan, .	Boston. Boston. Boston.
3d,	Boston, Ward 3,	{ George Going, . Theophilus Burr, . John Newell, .	Boston. Boston. Boston.
4th,	Boston, Ward 4,	{ Charles R. Train, . John A. Lamson, . John P. Ober, .	Boston. Boston. Boston.
5th,	Boston, Ward 5,	{ Charles L. Woodbury, . John W. Regan, . John J. Murphy, .	Boston. Boston. Boston.
6th,	Boston, Ward 6,	{ Harvey Jewell, . George L. Ruffin, . Hugh Flood, .	Boston. Boston. Boston.
7th,	Boston, Ward 7,	{ John E. Fitzgerald, . Hugh A. Madden, . Hugh J. Toland, .	Boston. Boston. Boston.
8th,	Boston, Ward 8,	{ Moses Kimball, . Ira L. Moore, . David Chamberlin, .	Boston. Boston. Boston.
9th,	Boston, Ward 9,	{ George Nowell, . Francis D. Stedman, .	Boston. Boston.
10th,	Boston, Ward 10,	{ Timothy Davis, . Noah Lincoln, .	Boston. Boston.

HOUSE OF REPRESENTATIVES.

COUNTY OF SUFFOLK—Concluded.

District.	Town or Ward.	Name of Representative.	Residence.
11th,	Boston, Ward 11, . {	Samuel J. Tuttle, . Charles V. Poor, . Edward W. Griggs, .	Boston. Boston. Boston.
12th,	Boston, Ward 12, . {	Robert Johnson, . Francis James, .	Boston. Boston.
13th,	{ Chelsea, . . . Revere,* . . . Winthrop, . . . }	Caleb Lombard, . Horatio B. Hersey, . Thomas Floyd, .	Chelsea. Chelsea. Winthrop.

COUNTY OF ESSEX.

1st,	{ Salisbury, . . . Amesbury, . . . West Newbury, . }	John Hume, . Charles L. Allen, .	Amesbury. Salisbury.
2d,	{ Haverhill, . . . Bradford, . . . }	William E. Blunt, . Henry O. Burr, . S. W. Hopkinson, .	Haverhill. Haverhill. Bradford.
3d,	{ Lawrence, . . . Methuen, . . . }	John K. Tarbox, . Robert Bower, . George E. Davis, .	Lawrence. Lawrence. Lawrence.
4th,	{ Andover, . . . North Andover, . }	Benjamin P. Saunders,	North Andover.
5th,	{ Georgetown, . . . Groveland, . . . Boxford, . . . }	Stephen Osgood,	Georgetown.
6th,	{ Newburyport, . . . Newbury, . . . }	George J. L. Colby, . Nathaniel Pierce, . Moses H. Fowler, .	Newburyport. Newburyport. Newburyport.
7th,	{ Ipswich, . . . Rowley, . . . }	Edward T. Lyford,	Rowley.
8th,	{ Gloucester, . . . Essex, . . . }	William A. Pew, . Benjamin H. Corliss, . Charles P. Thompson,	Gloucester. Gloucester. Gloucester.
9th,	Rockport, . . .	George H. Vibbert,	Rockport.
10th,	{ Beverly, . . . Manchester, . . . Hamilton, . . . }	John I. Baker, . Nathan H. Webb,	Beverly. Beverly.

* Name of North Chelsea was changed to Revere, March 24, 1871.

COUNTY OF ESSEX—Concluded.

District.	Town or Ward.	Name of Representative.	Residence.
11th,	{ Danvers, . . . } { Wenham, . . . }	George H. Peabody, .	Danvers.
12th,	Peabody, . . .	Robert S. Daniels, .	Peabody.
13th,	{ Salem, Wards 1, 2 } { and 3, . . . }	Samuel Calley, . . Willard P. Phillips, .	Salem. Salem.
14th,	Salem, Wards 4 and 6,	William Cogswell, .	Salem.
15th,	{ Marblehead, and } { Ward 5, Salem, . }	George D. Glover, . Thomas Swasey, Jr., .	Salem. Marblehead.
16th,	{ Lynn, Ward 4, and } { Nahant, . . . }	Peter M. Neal, . .	Lynn.
17th,	Lynn, Wards 2 and 5,	William R. Melden, .	Lynn.
18th,	{ Lynn, Ward 3, and } { Swampscott, . . }	Orrin Hewes, . .	Lynn.
19th,	{ Lynn, Wards 1, 6 } { and 7, . . . }	Daniel N. Barrett, .	Lynn.
20th,	{ Saugus, . . . } { Lynnfield, . . } { Middleton, . . } { Topsfield, . . }	Hiram A. Stiles, .	Middleton.

COUNTY OF MIDDLESEX.

1st,	Charlestown, Ward 1,	Alfred K. Merrill, .	Charlestown.
2d,	Charlestown, Ward 2, {	Thomas B. Harris, . Joseph H. Cotton, .	Charlestown. Charlestown.
3d,	Charlestown, Ward 3, {	Andrew J. Bailey, . Israel P. Magoun, .	Charlestown. Charlestown.
4th,	{ Somerville, . . } { Malden,* . . }	Selwin Z. Bowman, . Charles H. Guild, . Joseph M. Russell, .	Somerville. Somerville. Malden.
5th,	Medford, . . .	John S. Cotton, .	Medford.

* Town of Everett incorporated March 9, 1870, embracing a portion of the town of Malden. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

HOUSE OF REPRESENTATIVES.

COUNTY OF MIDDLESEX—Continued.

District.	Town or Ward.	Name of Representative.	Residence.
6th,	{ Arlington, . . } { Winchester, . . }	Samuel W. Twombly,	Winchester.
7th,	{ Cambridge, Ward 1, } { " " Ward 5, }	Charles F. Walcott, .	Cambridge.
8th,	{ Cambridge, Ward 2, } { " " Ward 4, }	John McDuffie, . . Robert O Fuller, . . Curtis C. Nichols, . .	Cambridge. Cambridge. Cambridge.
9th,	Cambridge, Ward 3,	Ezra Parmenter, .	Cambridge.
10th,	{ Newton, . . . } { Brighton, . . . }	James J. Walworth, . George H. Howe, . .	Newton. Brighton.
11th,	{ Watertown, . . } { Belmont, . . . }	Abraham L. Richards,	Watertown.
12th,	Waltham, . . .	Thomas Hill, . . .	Waltham.
13th,	Natick, . . .	William Nutt, . . .	Natick.
14th,	{ Holliston, . . } { Sherborn, . . . }	Joseph Dowse, Jr., .	Sherborn.
15th,	{ Hopkinton, . . } { Ashland, . . . }	J. Newton Pike, . .	Ashland.
16th,	Framingham, . .	Theodore C. Hurd, . .	Framingham.
17th,	Marlborough, . .	Samuel Howe, . . .	Marlborough.
18th,	{ Hudson, . . . } { Stow,* . . . } { Boxborough, . . } { Littleton, . . . }	Paul Hayward, . . .	Boxborough.
19th,	{ Acton, . . . } { Sudbury,* . . . } { Wayland, . . . }	George W. Gates, . .	Acton.
20th,	{ Concord, . . . } { Lincoln, . . . } { Weston, . . . }	Edwin Wheeler, . .	Concord.

* Town of Maynard incorporated April 19, 1871, embracing portions of the towns of Stow and Sudbury. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

COUNTY OF MIDDLESEX—Concluded.

District.	Town or Ward.	Name of Representative.	Residence.
21st,	{ Lexington, . . . } Bedford, . . . } Burlington, . . . } Carlisle, . . . }	Humphrey Prescott, .	Carlisle.
22d,	Woburn, . . .	Edw'd E. Thompson,	Woburn.
23d,	{ Stoneham, . . . } Wakefield, . . . } Melrose, . . . }	James C. Currier, . E. H. Walton, . . .	Melrose. Wakefield.
24th,	{ Reading, . . . } North Reading, . . . } Wilmington, . . . }	Lemuel C. Eames, .	Wilmington.
25th,	{ Chelmsford, . . . } Billerica, . . . } Tewksbury, . . . }	Edwin K. Parkhurst,	Chelmsford.
26th,	{ Lowell, Ward 1, . . . } " Ward 2, . . . } " Ward 6, . . . }	Jonathan P. Folsom, . George F. Scribner, .	Lowell. Lowell.
27th,	Lowell, Ward 3, .	Stephen Wallace, .	Lowell.
28th,	Lowell, Ward 4, .	Wm. H. Anderson, .	Lowell.
29th,	Lowell, Ward 5, .	Willard A. Brown, .	Lowell.
30th,	{ Dracut, . . . } Tyngsborough, . . . } Dunstable, . . . } Westford, . . . }	James T. Burnap, .	Dunstable.
31st,	{ Groton,* . . . } Pepperell, . . . }	Albert Leighton, .	Pepperell.
32d,	{ Townsend, . . . } Ashby, . . . } Shirley,* . . . }	Benjamin F. Lewis, .	Townsend.

COUNTY OF WORCESTER.

1st,	{ Ashburnham, . . . } Winchendon, . . . }	Orlando Mason, .	Winchendon.
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* Town of Ayer incorporated February 14, 1871, embracing portions of the towns of Groton and Shirley. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

HOUSE OF REPRESENTATIVES.

COUNTY OF WORCESTER—Continued.

District.	Town or Ward.	Name of Representative.	Residence.
2d,	{ Royalston, . . . } { Athol, . . . }	Ozi Kendall, . .	Athol.
3d,	{ Gardner, . . . } { Templeton, . . . }	Levi Heywood, . .	Gardner.
4th,	{ Petersham, . . . } { Dana, . . . } { Phillipston, . . . } { Hubbardston, . . . } { Barre, . . . } { Hardwick, . . . } { New Braintree, . . . }	James G. Smith, . . N. L. Johnson, . .	Phillipston. Dana.
5th,	{ Westminster, . . . } { Fitchburg, . . . } { Lunenburg, . . . } { Leominster, . . . }	Charles H. Merriam, . Henry A. Goodrich, . George E. Towne, .	Leominster. Fitchburg. Fitchburg.
6th,	{ Lancaster, . . . } { Bolton, . . . } { Harvard, . . . }	George A. Parker, .	Lancaster.
7th,	{ Clinton, . . . } { Berlin, . . . } { Northborough, . . . }	Elisha Brimhall, .	Clinton.
8th,	{ Sterling, . . . } { West Boylston, . . . } { Boylston, . . . }	Stephen Holt, . .	W. Boylston.
9th,	{ Rutland, . . . } { Holden, . . . } { Princeton, . . . } { Oakham, . . . }	Isaac N. Ross, . .	Holden.
10th,	{ Worcester, Ward 1, } { " Ward 2, } { " Ward 3, } { " Ward 8, } { Paxton, . . . }	Charles L. Putnam, . Lewis Barnard, . . William Mulligan, .	Worcester. Worcester. Paxton.
11th,	{ Worcester, Ward 4, } { " Ward 5, } { " Ward 6, } { " Ward 7, }	Thomas Gates, . . Joseph R. Torrey, . . John S. Baldwin, . .	Worcester. Worcester. Worcester.
12th,	{ Grafton, . . . } { Shrewsbury, . . . }	J. S. Nelson, . .	Grafton.

COUNTY OF WORCESTER—Concluded.

District.	Towns.	Name of Representative.	Residence.
13th,	{ Westborough, . . } { Southborough, . . }	Arthur G. Biscoe, .	Westborough.
14th,	{ Northbridge, . . } { Upton, . . . }	Davis P. Gray, . .	Northbridge.
15th,	{ Milford, . . . } { Mendon, . . . } { Blackstone, . . } { Uxbridge, . . . }	Bainbridge Hayward, . Lawrence Reade, . Lyman Paine, . .	Milford. Milford. Blackstone.
16th,	{ Douglas, . . . } { Webster, . . . } { Dudley, . . . } { Oxford, . . . } { Sutton, . . . } { Millbury, . . . }	William L. Davis, . E. H. Hutchinson, . Thomas H. Meek, .	Dudley. Sutton. Douglas.
17th,	{ Auburn, . . . } { Leicester, . . . } { Spencer, . . . } { Charlton, . . . } { Southbridge, . . }	John O. McKinstry, . Alfred E. Fiske, .	Southbridge. Charlton.
18th,	{ Sturbridge, . . . } { Brookfield, . . . } { North Brookfield, . } { West Brookfield, . } { Warren, . . . }	Martin L. Richardson, George S. Duell, .	Sturbridge. Brookfield.

COUNTY OF HAMPSHIRE.

1st,	{ Easthampton, . . } { Huntington, . . . } { Northampton, . . } { Southampton, . . . } { Westhampton, . . }	William F. Arnold, . Samuel B. Quigley, .	Northampton. Southampton.
2d,	{ Chesterfield, . . . } { Cummington, . . . } { Goshen, . . . } { Middlefield, . . . } { Plainfield, . . . } { Worthington, . . . }	Steph'n Hayward, Jr.,	Plainfield.
3d,	{ Hadley, . . . } { Hatfield, . . . } { Williamsburg, . . }	Elisha Hubbard, .	Hatfield.

HOUSE OF REPRESENTATIVES.

COUNTY OF HAMPSHIRE—Concluded.

District.	Town or Ward.	Name of Representative.	Residence.
4th,	{ Amherst, . . . } { South Hadley, . . }	Avery R. Cushman, .	Amherst.
5th,	{ Belchertown, . . . } { Granby, . . . } { Pelham, . . . }	Phineas Bridgman, .	Belchertown.
6th,	{ Enfield, . . . } { Greenwich, . . . } { Prescott, . . . } { Ware, . . . }	Sylvester F. Root, .	Greenwich.

COUNTY OF HAMPDEN.

1st,	{ Monson, . . . } { Brimfield, . . . } { Holland, . . . } { Wales, . . . }	George L. Webber, .	Holland.
2d,	{ Palmer, . . . } { Wilbraham, . . . }	Ebenezer Brown, .	Palmer.
3d,	{ Springfield, Ward 1, } { " Ward 2, } { " Ward 3, }	Emerson Wight, . Justin M. Cooley, .	Springfield. Springfield.
4th,	{ Springfield, Ward 4, } { " Ward 6, }	Gurdon Bill, . . .	Springfield.
5th,	{ Springfield, Ward 5, } { " Ward 7, } { " Ward 8, }	Joseph M. Hall, .	Springfield.
6th,	{ Holyoke, . . . } { Chicopee, . . . } { Ludlow, . . . }	Charles A. Corser, . Henry H. Harris, .	Holyoke. Chicopee.
7th,	{ Granville, . . . } { Southwick, . . . } { Agawam, . . . } { West Springfield, . . } { Longmeadow, . . . }	G. C. S. Southworth, Silas Noble, . . .	W. Springfield. Granville.
8th,	Westfield, . . .	Alexander McKenzie,	Westfield.
9th,	{ Chester, . . . } { Blandford, . . . } { Montgomery, . . . } { Russell, . . . } { Tolland, . . . }	Lafayette Granger, .	Tolland.

HOUSE OF REPRESENTATIVES.

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COUNTY OF FRANKLIN.

District.	Towns.	Name of Representative.	Residence.
1st,	{ Warwick, . . . } { Orange, . . . } { New Salem, . . . }	John D. Flagg, . .	Orange.
2d,	{ Montague, . . . } { Sunderland, . . . } { Leverett, . . . } { Shutesbury, . . . } { Wendell, . . . }	A. K. Haskell, . .	Wendell.
3d,	{ Greenfield, . . . } { Colrain, . . . } { Leyden, . . . } { Bernardston, . . . } { Gill, . . . } { Northfield, . . . } { Erving, . . . }	Samuel S. Eastman, . Leonard Barton, .	Greenfield. Gill.
4th,	{ Deerfield, . . . } { Shelburne, . . . } { Whately, . . . } { Conway, . . . } { Ashfield, . . . } { Hawley, . . . }	Harvey Severance, . Levi Gardner, .	Deerfield. Ashfield.
5th,	{ Buckland, . . . } { Charlemont, . . . } { Heath, . . . } { Rowe, . . . } { Monroe, . . . }	Samuel P. Everett, .	Rowe.

COUNTY OF BERKSHIRE.

1st,	{ Hancock, . . . } { Lanesborough, . . . } { New Ashford, . . . } { Williamstown, . . . }	Calvin R. Taft, . .	Williamstown.
2d,	{ Adams, . . . } { Cheshire, . . . } { Clarksburg, . . . } { Florida, . . . } { Savoy, . . . }	Henry J. Barker, . Frederick P. Brown, .	Adams. Adams.
3d,	{ Dalton, . . . } { Pittsfield, . . . } { Richmond, . . . }	Ensign H. Kellogg, . Zenas Crane, Jr., .	Pittsfield. Dalton.

HOUSE OF REPRESENTATIVES.

COUNTY OF BERKSHIRE—Concluded.

District.	Town or Ward.	Name of Representative.	Residence.
4th,	{ Becket, . . . } { Hinsdale, . . . } { Peru, . . . } { Washington, . . . } { Windsor, . . . }	Henry A. Bidwell, .	Becket.
5th,	{ Lenox, . . . } { Stockbridge, . . . } { West Stockbridge, . }	Henry J. Dunham, .	Stockbridge.
6th,	{ Lee, . . . } { Monterey, . . . } { Otis, . . . } { Tyringham, . . . }	Prentiss C. Baird, .	Lee.
7th,	{ Alford, . . . } { Egremont, . . . } { Great Barrington, . }	Irwin D. W. Baldwin,	Egremont.
8th,	{ New Marlborough, . }	H. D. Sisson, . .	New Marlboro'.
	{ Sandisfield, . . . }		
	{ Sheffield, . . . }		

COUNTY OF NORFOLK.

1st,	Dedham,* . . .	John R. Bullard, .	Dedham.
2d,	West Roxbury, .	John W. McKim, .	West Roxbury.
3d,	{ Roxbury,† Ward 2, . }	Moody Merrill, .	Boston.
	{ " Ward 3, . }	Charles H. Hovey, .	Boston.
	{ " Ward 4, . }	George Putnam, .	Boston.
	{ " Ward 5, . }		
4th,	Roxbury, Ward 1, .	Benjamin Franklin, .	Boston.
5th,	Dorchester,* . . .	{ Laban Pratt, . . . }	{ Boston.
		{ Henry S. Adams, . }	{ Hyde Park.
6th,	Quincy, . . .	John Quincy Adams,	Quincy.

* Town of Hyde Park incorporated April 22, 1868, embracing portions of Districts 1, 5 and 11; Dorchester annexed to Boston in 1869. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

† Annexed to Boston in 1867. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

COUNTY OF NORFOLK—Concluded.

District.	Towns.	Name of Representative.	Residence.
7th,	Braintree, . .	Asa T. Pratt, . .	Braintree.
8th,	Weymouth, . . {	Edward Lewis, . .	Weymouth.
		Eben Tirrell, Jr., .	Weymouth.
9th,	Randolph, . .	Daniel Howard, . .	Randolph.
10th,	Stoughton, . .	Samuel L. Crane, . .	Stoughton.
11th,	{ Canton, }	David W. Tucker, . .	Milton.
	{ Milton,* }	James S. Shepard, . .	Canton.
	{ Walpole,† }		
	{ Sharon, }		
12th,	{ Foxborough, . . . }	George P. Metcalf, . .	Medway.
	{ Wrentham,† . . . }	Lowell R. Blake, . .	Wrentham.
	{ Medway,† . . . }		
13th,	{ Franklin,† . . . }	Joseph A. Woodward, .	Franklin.
	{ Bellingham, . . . }		
14th,	{ Needham, }	Jacob R. Cushman, . .	Medfield.
	{ Medfield, }		
	{ Dover, }		
15th,	Brookline, . .	Alanson W. Beard, . .	Brookline.

COUNTY OF BRISTOL.

1st,	Attleborough, . .	John T. Bates, . .	Attleborough.
2d,	{ Mansfield, . . . }	Welcome Lewis, . .	Mansfield.
	{ Norton, }		
3d,	{ Easton, }	G. H. Lincoln, . .	Raynham.
	{ Raynham, }		
4th,	Taunton, {	Geo. H. Babbitt, Jr, .	Taunton.
		John E. Sanford, . .	Taunton.
		John H. Church, . .	Taunton.

* Town of Hyde Park incorporated April 22, 1868, embracing portions of Districts 1, 5 and 11.

† Town of Norfolk incorporated February 23, 1870, embracing portions of Wrentham, Franklin, Medway and Walpole. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

HOUSE OF REPRESENTATIVES.

COUNTY OF BRISTOL—Concluded.

District.	Town or Ward.	Name of Representative.	Residence.
5th,	{ Seekonk, . . . } { Rehoboth, . . . } { Dighton, . . . } { Berkley, . . . }	Solon Carpenter, .	Rehoboth.
6th,	{ Somerset, . . . } { Swanzey, . . . } { Freetown, . . . }	George B. Buffington,	Somerset.
7th,	Fall River, . . . {	Weaver Osborn, . George O Fairbanks, Frederick A. Boomer,	Fall River. Fall River. Fall River.
8th,	Westport, . . .	Stephen A. Brownell,	Westport.
9th,	Dartmouth, . . .	William Barker, Jr.,	Dartmouth.
10th,	{ New Bedford, Wards } { 1, 2 and 3, . . . }	Joseph H. Cornell, . Ellis Perry, . . .	New Bedford. New Bedford.
11th,	{ New Bedford, Wards } { 4, 5 and 6, . . . }	Elijah H. Chisholm, . Josiah W. Bonney, .	New Bedford. New Bedford.
12th,	{ Fairhaven, . . . } { Acushnet, . . . }	Walter Spooner, .	Acushnet.

COUNTY OF PLYMOUTH.

1st,	{ Cohasset, . . . } { Scituate, . . . }	Martin Lincoln, .	Cohasset.
2d,	{ Hingham, . . . } { Hull, . . . }	Hawkes Fearing, .	Hingham.
3d,	{ South Scituate, . . . } { Hanover, . . . } { Hanson, . . . }	Henry J. Curtis, .	Hanover.
4th,	{ Marshfield, . . . } { Pembroke, . . . } { Halifax, . . . }	Francis P. Arnold, .	Pembroke.
5th,	{ Duxbury, . . . } { Kingston, . . . }	Hambleton E. Smith,	Duxbury.

COUNTY OF PLYMOUTH—Concluded.

District.	Towns.	Name of Representative.	Residence.
6th,	{ Plymouth, . . . } { Carver, . . . } { Plympton, . . . }	Curtis Davie, . . . George W. Morton, . . .	Plymouth. Plymouth.
7th,	{ Wareham, . . . } { Marion, . . . }	Alden Besse, . . .	Wareham.
8th,	{ Mattapoisett, . . . } { Rochester, . . . } { Lakeville, . . . }	Cephas Haskins, . . .	Lakeville.
9th,	Middleborough, . . .	Henry H. Shaw, . . .	Middleborough.
10th,	{ Bridgewater, . . . } { West Bridgewater, . . . }	Lloyd Parsons, . . .	Bridgewater.
11th,	{ East Bridgewater, . . . } { North Bridgewater, . . . }	Welcome H. Wales, . . . James S. Allen, . . .	N. Bridgewater. E. Bridgewater.
12th,	Abington, . . .	Franklin P. Harlow, . . . Albert F. Kelley, . . .	Abington. Abington.

COUNTY OF BARNSTABLE.

1st,	{ Barnstable,* . . . } { Sandwich, . . . } { Falmouth, . . . } { Yarmouth, . . . }	Henry Goodspeed, . . . Ezra C. Howard, . . . John B. D. Cogswell, . . .	Barnstable Sandwich. Yarmouth.
2d,	{ Dennis, . . . } { Harwich, . . . } { Brewster, . . . }	Joseph K. Baker, . . . Erastus Chase, . . .	Dennis. Harwich.
3d,	{ Chatham, . . . } { Orleans, . . . }	Thomas Holway, . . .	Chatham.
4th,	{ Eastham, . . . } { Wellfleet, . . . } { Truro, . . . } { Provincetown, . . . }	Joseph P. Johnson, . . . George T. Wyrer, . . .	Provincetown. Wellfleet.

* Town of Mashpee incorporated May 28, 1870. embracing the territory in Barnstable County known as the district of Marshpee. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

HOUSE OF REPRESENTATIVES.

DUKES COUNTY.

District.	Towns.	Name of Representative.	Residence.
One.	{ Edgartown, . . . } { Tisbury, . . . } { Chilmark,* . . . } { Gosnold, . . . }	Nath'l M. Jernegan, .	Edgartown.

COUNTY OF NANTUCKET.

One.	Nantucket, . . .	Robert F. Gardner, .	Nantucket.
------	------------------	----------------------	------------

WILLIAM S. ROBINSON, *Clerk.*
 | JOHN MORISSEY, *Sergeant-at-Arms.*
 | CHARLES C. SEWALL, *Chaplain.*

* Town of Gay Head incorporated April 30, 1870, embracing the territory in Dukes County known as the district of Gay Head. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

JUDICIAL DEPARTMENT.

SUPREME JUDICIAL COURT.

CHIEF JUSTICE.

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ASSOCIATE JUSTICES.

HORACE GRAY, JR., *of Boston.*

JOHN WELLS, *of Brookline.*

JAMES D. COLT, *of Pittsfield.*

SETH AMES, *of Brookline.*

MARCUS MORTON, *of Andover.*

SUPERIOR COURT.

CHIEF JUSTICE.

LINCOLN F. BRIGHAM, *of Salem.*

ASSOCIATE JUSTICES.

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OTIS P. LORD, *of Salem.*

EZRA WILKINSON, *of Dedham.*

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CHESTER C. CONANT, Greenfield,	FRANKLIN.
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WILLIAM E. FULLER, Taunton,	BRISTOL.
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HEBRON VINCENT, Edgartown,	DUKES.
SAMUEL SWAIN, Nantucket,	NANTUCKET.

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ASA FRENCH, Braintree,	SOUTH-EASTERN.
GEORGE MARSTON, New Bedford,	SOUTHERN.
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JOSEPH McCLEAVE, Nantucket,	NANTUCKET.

CLERKS OF COURTS.

GEORGE C. WILDE, Boston, Sup. Jud. Court,	{ SUFFOLK, and by app't of Justices, for Com- MONWEALTH.
J. A. WILLARD, Boston, Superior Ct., Civil T.,	
CHARLES W. STOREY, Boston, Criminal T.,	{ SUFFOLK.
ALFRED A. ABBOTT, Peabody,	
BENJAMIN F. HAM, Winchester,	MIDDLESEX.
JOSEPH MASON, Worcester,	WORCESTER.
WILLIAM P. STRICKLAND, Northampton, .	HAMPSHIRE.
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ERASTUS WORTHINGTON, Dedham,	NORFOLK.
SIMEON BORDEN, Fall River,	BRISTOL.
WILLIAM H. WHITMAN, Plymouth,	PLYMOUTH.
JAMES B. CROCKER, Yarmouth,	BARNSTABLE.
RICHARD L. PEASE, Edgartown,	DUKES.
GEORGE COBB, Nantucket,	NANTUCKET.

* Deceased. Vacancy not filled.

MEMBERS OF THE FORTY-SECOND CONGRESS.

SENATORS.

CHARLES SUMNER, *of Boston.*HENRY WILSON, *of Natick.*

REPRESENTATIVES.

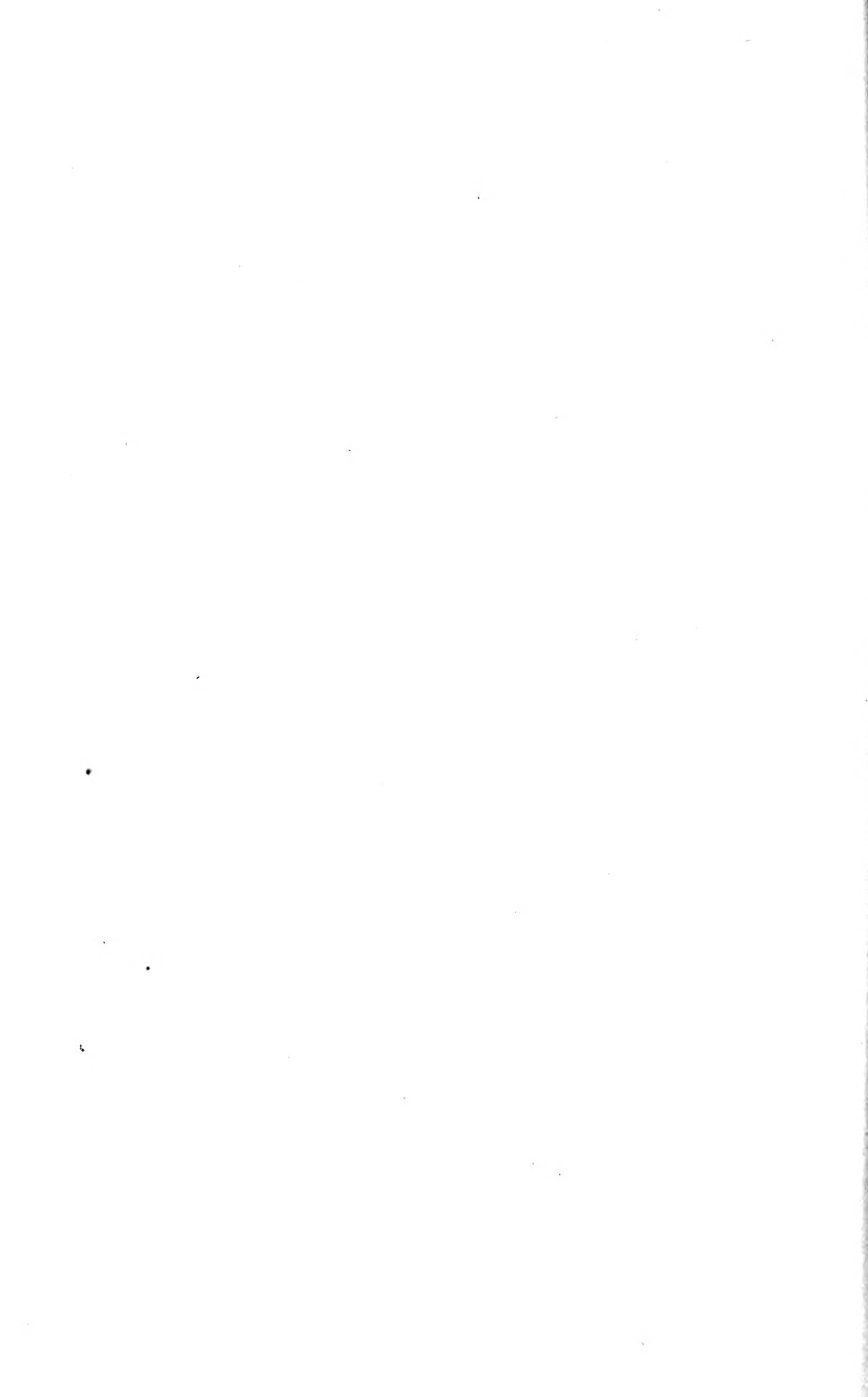
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Commonwealth of Massachusetts.

SECRETARY'S DEPARTMENT, BOSTON, }
June 24, 1871. }

I hereby certify the printed Acts and Resolves contained in this volume to be true copies of the originals, and that the accompanying papers and other matters herewith are transcripts of official records and returns in this Department.

OLIVER WARNER,
Secretary of the Commonwealth.



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